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Anti-Slavery Reporter

Nos. 10-11, 13, 16 & 21.

1826-27

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London, 18, *Aldermanbury*, *March* 31, 1826.

No. 10.

ANTI-SLAVERY MONTHLY REPORTER.

The "ANTI-SLAVERY MONTHLY REPORTER" will be ready for delivery on the last day of every month. Copies will be forwarded, at the request of any Anti-Slavery Society, at the rate of four shillings per hundred, when not exceeding half a sheet, and in proportion when it exceeds that quantity. All persons wishing to receive a regular supply are requested to make application to the Secretary, at the Society's office, No. 18, Aldermanbury, and mention the conveyance by which they may be most conveniently sent.

PROCEEDINGS AND DEBATES IN PARLIAMENT ON THE SUBJECT OF SLAVERY.

HOUSE OF COMMONS, MARCH 1, 1826.

Mr. F. BUXTON rose, pursuant to notice, to present the petition from the inhabitants of the Metropolis, for the Abolition of Slavery in the Colonies. It was more numerously signed than any petition that had ever before been presented to the House. The number of signatures was 72,000. Following the petitions already presented that evening from many other populous and enlightened places, it proved beyond all doubt, the great and lively interest taken by the public with regard to this question. He, therefore, should avail himself of this opportunity to ask the Right Hon. Gentleman (Mr. Canning) what was the course his Majesty's Government intended to pursue as to the amelioration of the condition of the slave population in the Colonies? He would not enter into the general argument of the question, but he would state the precise position in which, at this moment, it stood. In 1823, his Majesty's Government said that it was a question of such vast importance, and of such extreme delicacy, that they desired to have it placed in their hands. Those by whom it had been brought forward consented to the proposition, and it was accordingly transferred to the care of Government. On that occasion the Right Hon. Gentleman stated his opinions very fully regarding the general question of Slavery, and he (Mr. Buxton) having since attentively and deliberately considered the Right Hon. Gentleman's speech, could find no material distinction between his views and those of the original promoters of the disoussion. The Right Hon. Gentleman was far from attempting to justify the existence of slavery as a desirable or even tolerable state of society; and he had admitted that the principles of the Christian Religion and the spirit of the British Constitution were equally favourable to the extension of freedom to all who lived under their influence and protection. The Right Hon. Gentleman was a decided advocate of the gradual extinction of what he treated as an unquestionable evil. He would not trouble the House by reading at length the resolutions with which the Right Hon. Gentleman, on that occasion, concluded his speech. It was enough to say, that their purport was clearly to pledge the House to an amelioration of Slavery so effectual, as to lead to a participation, on the part of the Negroes, in all those civil rights and privileges which the rest of the King's subjects enjoyed; in other words, to the final and complete abolition of Slavery. In pursuance of these resolutions, his Majesty's Government had framed an Order in Council, which they intended to bring into operation in those Colonies which were immediately under the authority of the Crown, and to recommend to the Colonies having Legislatures of their own, as the basis of their legislation for the Slave Population. That Order

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in Council, though defective in some material respects, certainly contained many excellent regulations. It provided, that Negro evidence should, under certain restrictions, he admissihle in the Courts of Law; the marriages of the slaves were legalized; the obstacles in the way of manumission were removed; the use of the whip, as the hadge of authority and the stimulus to labour, was prohibited, and, as regarded the punishment of females, entirely aholished; provision was made for eventually putting an end to the practice of Sunday markets, and Sunday labour; the property of the Negro was protected; and he was empowered to apply the property he might possess in purchasing either his own redemption, or that of his immediate relations. On the discussion in 1823, to which he had referred, all parties seemed to he agreed in principle. The only question was, how could the new system be hrought, in the soonest and safest manner, into practicé? No doubt was expressed by the Hon. Gentlemen connected with the West India interest as to the cordial co-operation of the Colonial Assemhlies. The Right Honourahle Gentleman, however, foreseeing, as it now appeared, the true nature of the obstructions to he apprehended, had declared that, if his Majesty's Government encountered any opposition partaking of the nature of contumacy, he would call on Parliament to perform its duty towards the Negroes, and exercise its power to compel the melioration of their condition. The principles on which that melioration was to proceed were laid down in the Order in Council. Nothing could be more unequivocal than what was required from the West India Colonists; nor could any thing he more unequivocal than the utter refusal, on their part, to carry into execution the proposed measures for the henefit of their slaves. He was anxious to avoid the excitement of feeling; and he would, therefore, only state the hare facts of the case. Generally speaking, he might say that very little indeed had heen done. In Tohago, the Legislature had certainly done something. They had altered the law of evidence, so as to admit the evidence of slaves against free persons in cases of murder and mayhem alone, and that under rigid restrictions; they had changed the market day from Sunday to Thursday; they had reduced the discretionary power of the master from 39 to 20 lashes; they had enlarged the number of days allowed the slaves for their own grounds; and they had protected the slaves' property. In the Bahamas they had partially legalized marriage, and forbidden the separation of families by judicial sale. In Barbadoes they had partially admitted the evidence of slaves against free persons. These he helieved were all the improvements which had taken place. But even these scanty concessions had been accompanied with the re-enactment of the worst features of the old system. His Majesty's Government, therefore, were ohliged to withhold their assent from even the acts which contained these partial amendments. To this extent the Colonists had carried their attempts to meliorate the condition of their slaves. The House would see, hy the contrast, how little they had attempted. They had not abolished the driving system, or the flogging of females; they had not regulated the use of the whip, except in the instances mentioned, or mitigated the arbitrary power of the master, or legalised the marriages of the negroes, or protected their property, or prevented them from heing sold separately from their families. They had not in any case given to the slave the power of redeeming himself. In Jamaica, two very insignificant acts had been passed, which were calculated to give some incidental advantages to the Negro, though, undoubtedly, the positive and direct advantages belonged wholly to the master. Nothing else had heen done in that Colony, nor, as far as he knew, in any of the other Colonies, having local legislatures, to carry into effect the recorded wishes of the House. The conclusion he drew was, that it was only within the walls of that House they could expect to see any measures enacted, tending to the Abolition of Slavery. The fact was manifest, that either the House must renounce their pledge to the puhlic in hehalf of the Negro, or at once take the question into their own hands. He was anxious to say nothing that could give offence to any party; but it was his duty hroadly to declare, that it was his deliherate and confirmed conviction, that the House must do the work themselves, or suffer it to be altogether ahandoned. He would now conclude hy reading an extract from a speech of the Right Hon. Gentleman (Mr. Canning), which far more eloquently explained his sentiments on the suhject than he could himself state them. The eloquence of the passage, however, was its least praise. The prophetic spirit hy which it was dictated entitled it particularly to the present attention of the House, who would find that every apprehension expressed

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in it had unfortunately been realized :—"Trust not the masters of slaves in what concerns legislation for slavery! However specious their laws may appear, depend upon it they must be ineffectual in their application. It is in the nature of things that they should he so. Let then the British House of Commons do their part themselves! Let them not delegate the trust of doing it to those who cannot execute that trust fairly. Let the evil he remedied hy an assemhly of Freemen, hy the Government of a free people, and not by the masters of slaves!"

The Petition was then brought up, and ordered to he read.

Mr. CANNING expressed a wish that the Petition should he read through fully.

The Petition was then read through accordingly.

On the question that the Petition do lie on the tahle,

Mr. CANNING rose to address the House, and spoke to the following effect :—Sir, before I answer the call made upon me hy the Hon. Gentleman, I must refer briefly to the contents of the petition which he has selected as hest calculated to afford him the opportunity of making that call; hecause, I presume, he considered it to embody, in the most effective shape, the sentiments in which he participates.* I was desirous, therefore, to hear it read, in the hope, which has been realized, that I might be able to express my unequivocal agreement in its prayer. I perfectly concur in applauding the unexceptionable terms in which the whole of the petition is couched, and the propriety and moderation in which it suggests the attainment of its object, by the most safe and practicable means. In order to recall, as perfectly as possible, to the memory of the House, the circumstances in which I stand with regard to this question, I will take the liberty to request the Clerk to read the Resolutions I moved in 1823. I am particularly anxious that the very words should he present to the House, hefore I answer the question of the Hon. Gentleman.

The Resolutions passed hy the House, on the motion of Mr. Canning, on the 15th of May, 1823, were then read.

Mr. CANNING resumed. I wished not only to have the resolutions read which I had the honour of moving, hut the resolution which was originally proposed by the Hon. Gentleman himself, and by the unanimous voice of the House superseded by mine, because, as the Hon. Gentleman has referred to what I said, as to the existence of slavery being incompatihle with the principles of the British Constitution, and the spirit of the Christian Religion, I am desirous the House should understand in what degree I agree with that proposition, and in what degree I dissent from it. Undouhtedly no man can affirm that the state of slavery is consisteut in the ahstract with the principles of the British Constitution. Still less is it accordant with the mild and henignant spirit of Christianity; hut as the resolution was originally moved by the Hon. Gentleman, it was an ohvious inference from the statement of that truth, that the incompatihility of slavery with those principles, and with that spirit, was of such a nature as to take away the exercise of all discretion from Parliament, as to the mode of removing the evil. It was to be ahated at once as an intolerable nuisance. Gradual means were discarded as unfitted for the occasion, and the whole system of slavery was to be destroyed hy the general voice of the community, as a state of things which Religion could not endure, nor the Constitution suffer one hour longer to exist. I am exceedingly unwilling to discuss the principles of religion in a place where religion ought rather to he referred to, than directly hrought into debate. But I must say, that though the spirit of Christianity, in the course of ages, gradually extirpated the slavery it found every where prevailing, yet, I helieve the precept is no where to he found, which proscribes it as absolutely unlawful. In various countries it consisted with that state, and never, by its early teachers, was declared to be essentially incompatihle with it. If, therefore, the proposition means any thing beyond an expression of religious feeling, it is not true. In all ages of the world, the spirit of the Christian Religion has tended towards the extinction of the evil, hy slow steps indeed, but with unerring certainty. So with regard to the British Constitution; if it be contended that slavery cannot co-exist with it in any part of the King's dominions, the proposition is undouhtedly untrue; but it surely is not untrue that the freest Parliament of the freest country in the world has knowingly, and with its eyes open, tolerated in parts of its dominions the existence of slavery, more or less

* See for the petition in question, the Anti-Slavery Monthly Reporter, No. VII,

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modified, and for more than a century countenanced and encouraged the maintenance of that condition. Do I therefore contend, that it is not our duty to make those changes, which are conformable both with the spirit of our religion, and the principles of our Constitution? Certainly not. The difference between the resolution moved by the Hon. Gentleman, and that by which it was superseded, was, that his allowed no pause, and admitted of no qualification. The resolutions adopted by the House, on the contrary, recommended gradual measures, * and did not propose, by setting up a principle, to overthrow at a blow a system which Religion has tolerated, and the Constitution has permitted to grow up under its protection. If the conduct of his Majesty's Government be judged with reference to the resolutions unanimously passed by the House, and not by the spirit and tendency of the resolution which was superseded by them, I hope to satisfy the House, that, going upon the principles laid down in those resolutions, we have not been unsteady in our measures, or unmindful of the cause to which we stand pledged. Those resolutions were passed in May, 1823. Copies of them were immediately transmitted to the several Colonies in the West Indies, and in the first instance we attempted, by exhortations, to induce them to act upon the principles of the resolutions, leaving to themselves entirely the mode of action. And I did hope, at that time, that that most desirable result would have been attained, and am now ready to admit that I have been disappointed. The following year I had the honour to state to the House the expedient to which Government had resorted on their first disappointment. That expedient was to embody in an Order in Council those measures which appeared most necessary for the reformation of the negro population. This Order in Council was carried into effect in those Colonies in which the Crown had power to act without the concurrence of a local Legislature.† To the other Colonies it was also sent, with an urgent recommendation that its principles and forms should be adopted by the acts of their own Legislatures. That recommendation, the Hon. Gentleman says, has been totally without effect; and the result shews, he contends, that Parliament is compelled to resume the delegation it had made of its powers to the Government, and take steps of its own, for the accomplishment of its object. It is true that I did state, that if a spirit of contumacy appeared on the part of the Colonies in the shape of a determined resistance to the views of Parliament and the recommendations of Government, I would not hesitate to come down to this House, and ask for the powers necessary to quell the threatened opposition. I do not deny, that I meant to imply, that if such a case did arise, I would advise that we should enforce what they contumaciously resisted. *The whole question between the Hon. Gentleman and me is, whether that case has arisen*, and whether it is now necessary that Parliament should take back the powers they have intrusted to the hands of Government, in order to adopt a new course of a more direct and precipitate nature? *Though I see much to blame in the conduct of the Colonial Legislatures, I am of opinion that the case of contumacy has not arisen.* I do not deny that I have seen symptoms which have alarmed me. I do not deny that I have seen indications of a spirit, that may in time become a spirit of contumacy; but I will hope to the last; I will carry my forbearance longer, perhaps, than reasonably I ought, before I precipitate a step which necessity only can justify. As to the conduct of Government, the points in the Order in Council are, I understand, on the whole, those which the most sanguine friends to the abolition of slavery, consider such as it is most prudent and useful, in the first instance, to submit to legislation. I have not heard it intimated that there are any points which even the West India interest consider to have been rashly introduced. On the other hand, I have not heard of any material omission tending to the prejudice of the

* It is difficult to account for the view which Mr. Canning has thought proper to take of Mr. Buxton's resolution as contrasted with his own. In order to shew how groundless the whole of the attempted contrast is, it is only necessary to transcribe that resolution. It was as follows:—"That the state of slavery is repugnant to the principles of the British Constitution and of the Christian Religion, and that it ought to be *gradually* abolished throughout the British dominions, *with as much expedition as may be consistent with a due regard to the well-being of the parties concerned.*"

† It has in fact been carried into effect only in one of these Colonies, Trinidad, and partially in another of them, Demarara.

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slave. [Mr. Brougham dissented from this proposition.] With respect to the regulations recommended in the Orders in Council, I find, by the latest returns, that the recommendation as to religious instruction, has been modified, more or less, by different colonies; but out of twelve, eight have taken cognizance of it. Respecting the receiving of slave evidence, seven out of twelve have either adopted the recommendation now, or have had such a regulation prevailing. On the subject of marriage, I fear that five only have done anything towards forwarding the recommendation. As far as regards the security of property, eight have take cognizance of the Order in Council, or had some security before. In regard to manumission, seven had either the recommendation carried into a more or less perfect state before, or have adopted it now. The recommendation respecting the separation of slaves from the estates, I am sorry to say, only four have adopted; but to the adoption of this recommendation, the obstructions which exist are rather of a legal than a moral nature. On the subject of the non-separation of families, only five have adopted the recommendation; eight have adopted the recommendation for mitigating the severity of general punishment; and, with respect to the corporal punishment of females, I am sorry to say, the recommeudation has only been listened to by five, although it is by far the simplest and shortest and cheapest mode by which a disposition could be implied of complying with the wishes of Parliament, and which I had thought there was no one legislature could have hesitated to adopt. Of all the cases which can be imagined, this is an instance of refnsal which can be explained upon no other ground than a disposition to fly in the face of the legislature. In the only remaining instance, and the most difficult of execution, that of the establishment of Savings Banks, the recommendation has been adopted by two only. This is the information which has been received.*. The question now before the House for discussion between the Hon. Member (Mr. Buxton) and myself is, whether the period has arrived when the oonduct of the Colonial Legislatures has assumed a resistance so obstinate, and a contumeliousness so absolute, as to render it necessary for us to abandon the course we have already pursued, and to stir at the present that great question, upon which, if necessity should arise, I shall have no hesitation in expressing my opinions—I mean the question of legislating for our Colonies. I cannot pretend to deny that the late proceedings in the principal Colonial legislature have filled me with sentiments which I do not wish to express. I confess, that when I remember the many trials which have taken place in that country, and the instances in which life has been taken away on so small a portion of questionable evidence—when I contemplate the result of those trials upon such evidence, and see that in Jamaica a hill for the admissibility of slave evidence was thrown out—a measure in which the question of human life is concerned—when I witness proceedings so sanguinary—but I would rather address an imploring voice to the legislature, and entreat them quickly to wipe away the stain: and from some circumstances which have come to my knowledge, I have the greatest hopes that, in the next session of the Colonial Legislature, an act will pass to accomplish this object. I am anxious to give them another chance for that desirable consummation, which we all should rejoice to see take place. I am desirous to give space and rest for a fair trial; but I am not at variance with the Hon. Member (Mr. Buxton), except as to the question of degree. If due advantage be not taken of that space and rest which is permitted them, it may then become the duty, if not of Parliament to take out of the hands of Government that trust which I hope they have not unfaithfully executed, at least of Government to call upon the Parliament to arm them with additional power. It would not be

* After a most careful examination of all the means of information accessible to the public, it does not appear, whatever *cognizance* the Colonial legislatures may have taken of the above topics, that any of them has passed an act for empowering slaves to redeem themselves; or for preventing the sale of slaves detached from the estate; or for abolishing the flogging of females; or for establishing savings banks. One only appears to have provided for the repose of the sabbath; two for the legalizing of marriage, and the restriction of the driving whip; and only three in any degree, and that a very slight one, for the security of property; or for the non-separation of families; or for the mitigation of arbitrary punishments; and in a very restricted measure indeed, for admitting the evidence of slaves.

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answering the question of the Hon. Gentleman, if I did not state, that during the remaining interval it is the intention of the Government at home to take such steps as will bring the intentions of the Colonial Legislature to a fair trial —it is the intention of his Majesty's Government to direct the introduction of a Bill into each of the Legislatures in their next session, embodying the Order in Council, so as to ensure the acceptance, rejection, or modification of the recommendations which it contains. The House will then understand there are three gradations in the course which has been pursued. 1st. The vote of this House was sent to the Colonial Legislatures, coupled with the recommendation of the Government to accede to the principles which that vote comprehended. That having been *refused*, the Government threw out an enactment of its own, enforcing those points in which it had the power, and recommending those others in which it did not exercise its authority. That having failed, we now propose, that a Bill, founded on the principles to which this House has acceded, should be sent to each Colonial Legislature; and upon that Bill they must come to some decision, subject to the various modifications which the different circumstances of each Colony may require. I should be therefore extremely sorry that the course of experiment should be disturbed, for I am persuaded that there exists in the Colonies not only much resistance, but misconception. In many cases, too, they expect some compensation equivalent to what they consider the deterioration of their property. I am at a loss to know what deterioration can arise, except by withdrawing the service of their slaves by compulsory manumission—and their compensation in that case they would find in the appraisement of the slave so withdrawn from his ownership. But in the case of the general amelioration of the condition of the slave, compensation is not to be given [cheers]. Their best compensation they would find in the increased value of the slave's labour—in his increased happiness and comfort—in his elevation from the condition of a brute to a state approximating the dignity of man. Many of the objections which now exist may be done away with in time; the experiment is at least worth making; and I should much regret that Parliament should take any step to intercept the chance of a plan, which, if it succeeds, will be much more acceptable than any forcible measure; and, if it should fail, Parliament would at least have the consolation of not having resorted to the ultimate measure until they had exhausted all their expectations of any thing being done by the Colonies themselves. Coercion must be applied to *confirmed* contumacy—but that degree of contumacy has not yet arisen, to call for its exercise. I do confess, I have seen some symptoms displayed, which the Government would much desire to see done away with. But time may render any extraordinary interference unnecessary; and during the interval which shall be left for the trial of the experiment, I mean to supply an omission, which I am at a loss how it could have occurred at the passing of these resolutions—I mean to propose that these resolutions be communicated to the House of Lords, for their concurrence. I have now stated the whole amount of what the Government proposes to do. I trust the House will agree with me in thinking that it would be inexpedient to make any attempt at legislating in the present session; but I do so, neither denying the abstract power of Parliament, or the possibility of an occasion arising for its exercise; but simply not admitting that a case has arisen to call for its exercise at the present moment.

In reply to a question from Mr. Brougham, intended to elicit more explicit information as to the improvements which had been effected by the Colonial legislatures, Mr. CANNING replied with some hesitation, that, he *believed* that as to the admissibility of evidence, steps had been taken for carrying into effect the recommendations of the House, in St. Vincent's, St. Kitts, and Grenada. On the subject of manumission, only one Legislature had adopted the recommendation. As to the separation of families, and general punishment, Tobago and St. Kitts had attended to the suggestion. St. Vincent had done *something*—Grenada *something*—and as to the driving system, St. Kitts.

Mr. BUXTON wished to know whether, in Jamaica, which contained one half of the Black population, any thing had been done? The Governor had said that in last December, after another Session, nothing had been done towards amelioration.

Mr. CANNING said he was afraid, that, with respect to Jamaica, nothing had been done, except the measure for allowing slaves to take by bequest.

Mr. WILLIAM SMITH said, the House ought to be informed whether it was the

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intention of the Right Hon. Gentleman, in caso nothing was done before the next Session, to call the attention of Parliament to the subject. The House ought to attend to the speech of the Duke of Manchester, at the close of the last Session, addressed to the House of Assembly in the month of last December, in which he complains that they had allowed another year to pass away without any attempt to improve the condition of the Negroes. The contumacy of these Legislatures would be quite contemptible, did it not demonstrate that they would yield to neither kindness nor remonstrance, or, in fact, to any thing but force. In conclusion, the Hon. Member observed, that the sentiments which had been extracted by his Hon. Friend (Mr. Buxton) from a former speech of the Right Hon. Gentleman (Mr. Canning) with respect to the hopelessness of any benefit from Colonial legislation on the subject of Slavery, and which were expressed with equal force and eloquence, applied with as much propriety to the circumstances of the present times, as those in which they were delivered.

Mr. Secretary PEEL said, there were various points mentioned in the speech of the Hon. Gentleman, which deserved the most serious attention; but there was one, above all others, upon which he could not avoid expressing a decided opinion—the qualification of slaves to give evidence in a court of justice. Of that he would say, that he hoped not one year, no not even a single session, would pass by without the enactment of some regulation upon the subject. A power of that kind, which would raise the slave, under certain conditions, to a state which would enable him to give evidence, might be rendered one of the safest, cheapest, and most effectual methods of commencing the amelioration they desired. It seemed to him that any measure through which the courts of justice might be no longer closed against the slave, would ultimately tend to fortify the interests, and secure the property of the master. For who were the persons to whom that evidence was to be offered? Why to the Whites—to a White Jury. Could it then be said, in opposition to such a proposal, that those who were to judge of the value of their testimony, were unreasonably prejudiced in favour of the Black population? Quite the contrary; a White Jury were in all cases to exercise their judgment as to whether that evidence was or was not admissible. He most earnestly hoped that there would not be a moment's unnecessary delay in giving full effect to the intentions of the Legislature on that important subject. In two or three Colonies the evidence of a slave was admitted, in cases which did not affect the life or property of his master, and where no White evidence can be procured. But, did the House see the effect of that law? When White evidence can be procured, then the Black evidence is inadmissible; and if that evidence should happen to be in favour of the person accused, then the Black evidence cannot be received to prove his guilt, even in the most glaring cases. What he wanted to see was, some principle adopted in their legislation on the subject, so that the responsibility of rejecting a black man's evidence should rest, not on the law, but on some known tribunal. Such a measure would be the first step to invest him with those rights which that House considered it right to bestow upon him. And if they were resolved to carry their intentions into execution, and raise the black population to the rank of human beings, he could not understand any reason why they should delay giving effect to their views, upon the subject of their testimony, a single moment. The slave was liable to be summoned just in the same manner as an idiot might be in this country; and it should be left to the jury to determine, when he appeared before them, whether they considered his testimony should or should not be believed; and, for his part, he could not conceive a mind, even the most deeply imbued with West India prejudices, who could see any danger likely to accrue to the life or the property of the white man, by investing the slave with such a privilege.

Mr. SCARLETT could not help expressing his regret that Jamaica, one of the most enlightened, in the character of its white population, should be exposed to the censure of being foremost in its opposition to the wishes of the friends of freedom and humanity. He was sure, that if the gentlemen of that island were to give the subject the slightest consideration, they would see that their own interests were inseparably connected with the amelioration of the condition of their slaves, and feel an earnest wish to comply with the unanimous desire of all the civilized part of mankind. In his earliest years he had imbibed prejudices against the condition of the slave population—viewed with horror the treatment they received, and felt the strongest desire to witness their entire

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emancipation from the controul to which they were subjected. But he thought that they should rather wait even the tardy measures of the Colonists, if they could by that means conciliate the masters, than by any language of intimidation, reproach, or blame, and more than all, of threatening, attempt to force on a premature and unwilling concession. Such a course would prove an effectual barrier to that object which they all had in view—the permanent amelioration of the condition of the slaves. He did not mean, however, to say that he did not highly disapprove of the reluctance exhibited by the Colonial Legislatures; and he thought, that in the course they pursued, they seemed manifestly to be ignorant of their best interests. The measure recommended by the Right Hon. Gentleman respecting the evidence of the slaves, had his full coocurrence; and he would conclude by expressing a hope that the execution of their intentions should be confided still to the hands of his Majesty's Government, who had, it appeared to him, most worthily fulfilled their trust, and who would, he was convinced, give the most effectual operation to the recommendations of the House, united, as they were, with the desire of the whole kingdom.

Mr. Phillips felt himself very much at a loss to understand the contrariety of opinion which seemed to prevail on the subject between the West India proprietors resident in England and the Colonial Legislatures. He could not avoid believing, that much of the reluctance on the part of the Colonists proceeded from their fears of such alteration affecting their properties. These prejudices, however, would, he was convinced, gradually disappear before a better consideration of the question. He was old enough to recollect a time when the man who merely hinted at any thing like the emancipation of the slaves of the West Indies, was looked upon as a visionary enthusiast, who proposed plans of ideal happiness for that unhappy race which could never be realized—and yet he had lived to see those very men, who had thus scouted the idea of all improvement, vote themselves for that very abolition, and become some of the most ardent and zealous in their endeavours to carry its resolutions into effect. So it would be with those who now objected to any further alteration in the condition of the slaves; and they would see the time when those who now oppose them will return their unmeasured gratitude for their exertions, and call that interference, which they now deprecate, a great practical benefit. He hoped they would steadily pursue their course, and leave the execution of their intentions still in the hands of the Government, who had gone on so prosperously to the consummation of their wishes.

Mr. Wilmot Horton would have seen with regret, any resolution of the House which would take the management of the question out of the hands of his Majesty's Government. If any man gave himself the trouble to examine the protests which have issued from the Colonial Legislatures, he would find that they all rested their objections to the measures of the Government, upon the conviction that their properties might be endangered and their authority over the slaves weakened, by the effect of the new regulations. In proportion as that fear faded away, he was convinced their opposition would be abated; as it seemed to him a matter of certainty, that no *abstract love of slavery* influenced their actions, either at this time or any other. How far the principles they were adopting had begun to produce the effect which they anticipated, might be, perhaps, best shewn to the House by reading an extract from a letter which he had received that morning from Demerara. The letter, which was written a week after the Order in Council had been in operation, stated, that after the writer and others had contemplated, with great alarm, the effect of the approaching change in the treatment of the slaves, he was happy to say, that although the whole of the regulations had been carried into effect, there had not been a single instance of any abuse of the liberty bestowed upon the slaves. The writer continued to say, that he had assembled the slaves on his estate, and informed them of the alteration in their condition, declaring at the same time, that all punishments should be entered in the Black Book—that if they behaved well the new stocks should not be used, and that the money which had been destined for the new jail, should be devoted to the improvement of their cottages. The slaves had promised to conduct themselves, in consequence of these alterations, with propriety and decorum, and he was glad to be able to say that they had not, as yet, or in any one instance, forfeited their word.

Mr. Sykes feared that the delay in taking some decisive measures would but add another year to the wretchedness and misery of the slave population. They

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had been deluded year after year by these promises, and the condition of the slaves, in their colonies, remained unaltered. Against the plan of looking for reform to the Colonial Legislatures he must enter his solemn protest. These Legislatures did not, in his opinion, evince a disposition to abate the severity of the system. He referred, in proof of this position, to the new law lately passed in Barbadoes, and which retained many of the most barbarous enactments of the old. He read one clause, whereby any person, for driving too fast a horse or mule upon the road, or for a variety of other acts of a similarly trivial nature, or for what was termed disorderly conduct, without specifying what that conduct was, became liable to the infliction of thirty-nine stripes; except in the case of a woman in a state of pregnancy, who was liable to imprisonment. It was now three years since the resolutions of Parliament had passed that House, and nothing had yet been done. It was right that they should be informed at what time it was likely these resolutions would at length begin to be acted upon.

Mr. T. Wilson was not inimical to the Abolition of Slavery, but he was not friendly to a measure which would make the slave free at the expence of the master. There were other interests as well as the comforts of the slave population, which it was the duty of the House to consider—*long-vested* and established rights of property, which should be protected. He was therefore averse to any compulsory proceeding whatever in any change it might be intended to introduce; or if a compulsory proceeding were resorted to, those who petitioned in favour of it should be ready, as those who signed the Petition from the city of London were, to defray their proportion of expence to indemnify the proprietors for the injury and loss to which such a proceeding may subject them. He lamented the loss of Mr. Marryat, as an advocate of the Colonial interests.

Mr. Grosset suggested that attention ought to be directed to the condition of the slaves in the East Indies, as well as to that of those in the West Indies.

Mr. Hume said that he had been in the East Indies; and speaking of what he knew of society there, particularly in Bengal, he could undertake to say, that there were no agricultural slaves there; and those persons whom the Hon. Member had described as slaves, were performers, or dancers; who, forming themselves into bands under a chief, went from place to place for a livelihood. There was this difference, however, in the condition even of these persons and the slaves of the West Indies, that although the former had been purchased in their youth, yet, if they thought proper to detach themselves at any time afterwards from the band with which they had been so connected, there was no law in India which could compel them to return. They might go where they pleased. Now this was a very different condition from that of the slaves of the West Indies. He believed the same state of law prevailed in all places within the territory of the East India Company. As to the passage in the book of Buchanan relative to slaves, which was applied to the East Indies generally, it was only applicable to some parts of the interior, with which he was not acquainted; but what he had stated, and he believed he was correct in the statement, referred to those places which he knew and where he had been.

This statement on the part of Mr. Hume was confirmed by Sir Edward Hyde East, formerly the Chief Justice of Bengal.

Mr. Brougham said, that those who complained of the charges brought against the Slave Proprietors by the advocates for Emancipation, ought not to indulge in charges against their own countrymen who espoused the cause of the Negroes. However different might be the opinions entertained upon some points of the subject, there was no difference whatever, either specific, or in the degree of feeling entertained by all parties against the enormous mass of practical abuses in the Slave system. By far the strongest appeals that could be made to the humane feelings of the country, might be found in the speeches of the Colonial Legislatures. They afforded the most appalling details of that most infernal scourge to humanity, Slavery. He was not for a sudden emancipation, though, if any measures were now to be promptly pursued, they could not be reproached as rash or headstrong, for sufficient warning had been given to all the parties concerned. He might once have been of opinion that the mother country ought to interfere solely with the Abolition of the Slave Trade, and to leave the subject of Slavery to the Local Legislatures, in the

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confidence that they would have done their duty. They had failed to do so; and he now thought it was high time for the mother country to shew that they would be trifled with no longer. He had little or no hope of any advantage to be derived from the Colonial Assemblies. To expect that they would, of themselves, enter into any reform, such as the Orders in Council had pointed out, was most absurd. They declared it would be ruin to do so; and yet it was expected that they should pursue a course they believed to be ruinous. With respect to the language of menace which they were accused of employing towards the Colonists, it was only in the sense of saying, that if the Colonial Legislatures did not think the measures advised proper for them to adopt, we should ourselves be obliged to enact them; and it was the undoubted right of the House to legislate for all the subjects of the Crown. He had heard to-night, that Government intended to send out to each Colony a statement of the measures to be adopted, and to insist upon a decided acquiescence, or a refusal, by the Colonists. He felt, however, that whilst Parliament delayed its measures, thousands of our fellow subjects were suffering under the present slave system. But, as he understood that some additional information was to be laid before the House, he should postpone the motion for leave to bring in a bill for bettering the condition of the slave, which he had intended to make that evening, until after the recess.

Mr. F. Buxton said, he certainly felt deeply disappointed at the delay which was likely to take place upon this subject—a delay which, while it produced no good, was likely to cause great and extensive injury. He then adverted to the decisive reply which had that night been given from the very highest authority, the Chief-Justice of India, to the non-existence in India of any state similar to that of West India Slavery; and begged of all who accused him, and his friends, of publishing exaggerated statements of the sufferings of the slaves in our Colonies, only to read the recent Reports from Berbice and other islands, in which they would find detailed numerous acts of cruelty, which would far exceed any thing that had yet been put forth to the world.

The same subject was resumed in the House of Commons on Friday the 4th of March, when, on the occasion of Mr. Denman presenting a petition, signed by 7,000 inhabitants of Nottingham and its neighbourhood, praying that the rights of British subjects might be as soon as possible extended to the unfortunate persons called Slaves in the West Indies, and whose only crime was the colour of their skin, Mr. Brougham said, that he would take the opportunity of inquiring whether any Acts for the amelioration of the condition of the Slaves, had lately been transmitted from the Colonies to his Majesty's Government. The Right Hon. Gentleman opposite, in the course of his observations on Wednesday night, had otherwise reasoned upon incorrect data.

Mr. W. Horton said, that in addition to the acts already laid on the table of the House, whatever else had been received, would be laid on the table next week.

Mr. Brougham contended, that there was a discrepancy between the statements of the Right Hon. Gentleman and the facts of the case, as he understood them. The question was, whether the improvements contemplated by the Legislature of this country, and the Orders of Council, had been carried into effect in the Colonies, and to what extent. Had the slaves acquired there the right of being manumitted by appraisement, notwithstanding the unwillingness of their masters? Had the Colonial Legislatures, in conformity with the Orders of Council, abolished the driving whip, and the whipping of females as a punishment? He could not discover that they had. Had the evidence of slaves been rendered admissible as proposed? There were thirteen British Colonies which possessed Legislative Assemblies; there were twenty in which Slavery existed. In the latter number, he included the Mauritius, the Cape of Good Hope, and Honduras. Of these twenty, thirteen enjoyed the right of Legislative Assemblies, and of those thirteen, he had understood the Right Hon. Gentleman to say, that seven had admitted slave evidence. From a careful perusal of the documents before the House, however, as well as from a review of the latest Colonial newspapers, it appeared to him that not more than three Colonies had hitherto passed any legislative enactments to that effect. These Colonies were,

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Tobago, Barbadoes, and Dominica. The act of Dominica had passed its Assembly eight years since; of course it was not attributable to the Orders in Council. In Tobago, an Act had been passed for that purpose; but the admissibility of the evidence of a slave was so shackled with conditions as to render it nugatory. The evidence was admissible only in case of the murder or mayhem of a slave by a white man, and even then under two material distinctions; first, that no other persons but slaves were present; and, secondly, that two slaves of irreproachable character should coincide in their testimony. Of the Barbadoes act, enough had been said on a former occasion, and it could not be necessary for him to rehearse the details. The Order of Council for Trinidad had provided, that the certificate of any clergyman, whether of the Established Church, of the Roman Catholic Church, or of any other sect of Christians, would avail to render the evidence of a slave admissible; but the Barbadoes act required that the certificate should be given by the regular clergy, whether the slave received instruction from them or not. Such was the mode of baffling the Legislature and Government of England which the Colonists used. His Majesty's Government, and the House, would be bound to investigate the matter fully, and to take care that such mockery should not be repeated. He might have erroneously abstracted the papers laid on the table of the House; but he thought he had not, and such was the amount of the improvement that had been effected. In fact, notwithstanding the efforts of his Majesty's Government, by issuing Orders in Council, it appeared that only in two of the Colonies had any attempts been made towards improvement in the condition of their slaves, as to the admissibility of their evidence; they were Barbadoes and Tobago. As to the improvement of the morality of the slaves, and, in particular, as to the observance of the Sabbath, it appeared that, in Tobago alone, the market day, not the slaves' working day, had been altered from Sunday to Thursday. In Tobago alone, had a law been passed for securing the property of the slaves. Mr. Brougham said, he was sorry to observe that, in Demerara, the Trinidad Order in Council had undergone some considerable mutilations; and even in Trinidad itself, the slaves, he was concerned to see, had been precluded from having property in any of the produce of the island which could be considered as its exports, and, of course, were precluded from those means of obtaining their manumission by their own efforts, which the permission to raise exportable produce would afford them. In Tobago, there had been a diminution of the number of lashes to which a slave could be subjected, from 39, as formerly allowed, to 20; but this seemed to be the only island where the right of arbitrary punishment had been modified. The Right Hon. Gentleman opposite had stated, that from sixty to seventy various descriptions of improvements had been effected. Now he (Mr. B.), after due examination of the papers on the table of the House, was enabled to find not more than nine or ten improvements, and even they were not of great amount. In the absence, therefore, of documents on which to found a correct judgment, the House could not but be as embarrassed as he was, to know the real state of the case. The Hon. Gentleman would, therefore, he was sure, not oppose a motion which he intended to submit to the House, for a return of all the Acts passed in the Colonial Legislatures for the improvement of the condition of the slaves, and of any Acts containing clauses for improvement, distinguishing the names of the Acts, and of the Legislatures in which they were enacted; whether those Acts were allowed or disallowed by his Majesty's Government, and including all information received down to the latest arrivals from the Colonies. He trusted, when those papers should have been laid before the House, that it would be able to form a more fair opinion of the improvements which had been effected, or were likely to be effected, than it had hitherto had the means of doing.

Mr. Wilmot Horton said, that it was his (Mr. W. Horton's) intention, shortly, to submit to the House a tabular statement which would fully elucidate the points at issue, and shew what had been done and what had not been done by the Colonial Legislatures. With respect to the Order in Council, it was already in force in Trinidad and Demerara, in the latter, with some defects which would be supplied by a fresh order; and it would be sent very shortly to St. Lucia, as well as to the Cape of Good Hope, and Berbice. Its introduction at the Mauritius had been delayed by the Commissioners having been detained on their passage, and not having had sufficient time to prepare their Report.

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Mr. Brougham then said, that on the 20th of April, he should submit a motion, having for its object the bettering the condition of the Slaves in the Colonies.

In consequence of a motion of Mr. Canning's on the 1st of March, the resolutions of the House of Commons of the 15th May, 1823, were communicated to the House of Lords, and the concurrence of their Lordships requested. Tuesday, the 7th of March, having been appointed for considering this communication, an interesting discussion took place, which terminated in the adoption of the resolutions. It will be impossible to give more than a brief abstract of this discussion.

Earl Bathurst, in proposing their Lordships' concurrence, took occasion to state what the Government had done in consequence of the vote of the House of Commons, of the 15th May, 1823. Those resolutions had been made the foundation of certain instructions for improving the situation of the slave population in the West India Colonies, which, in the case of Trinidad, had been embodied in the shape of an Order in Council, and made the law of the island. Since that time, various communications had taken place between his Majesty's Government and the Colonies; but he was extremely sorry to say, that those communications had not been attended with so much success as might have been expected. His Lordship, indeed, admitted that very little had any where been done, towards effecting the objects his Majesty's Government had in view. The only point on which his Lordship dwelt, as having evinced a disposition on the part of the Colonists generally to do so, was their having invested the Bishops with certain powers of ecclesiastical jurisdiction, and having shewn a readiness to contribute to the building or to the repair and enlargement of churches. Beyond this, it did not appear, from his Lordship's speech, that any thing more had been effected, in the way of amelioration, beyond the very partial measures which have been already stated, in a note above, to have taken place in a few of the Colonies. He was sorry to say, that the Legislative Assembly of Jamaica, though it had passed a law protecting from arrest for their master's debts, slaves going to market on Saturday as well as Sunday; and, though they had allowed slaves to take money by bequest, and afforded facilities to a master in voluntarily manumitting his slave, yet had done nothing more. It had rejected the proposed law for admitting the evidence of the blacks under certain modifications. The bill for that purpose had been thrown out by a majority of 23 to 13. But that assembly, and the others which had rejected the measures recommended by his Majesty's Government, would soon be called upon to re-consider the subject, and there was reason to hope that they would then evince a different spirit, and that measures calculated to ameliorate the condition of the slaves would then be passed. His Lordship took occasion to allude to the language of some of the petitions for the Abolition of Slavery, in some of which it was broadly asserted, that a state of slavery was forbidden by the Gospel, and was wholly incompatible with the doctrines of Christianity. This doctrine thus laid down he could not admit, and he thought it highly mischievous, as well as inconsistent, that those who called for the religious instruction of the slaves, should, in their petitions, set forth that the Christian doctrine was incompatible with a state of slavery. He believed, the best security for the good conduct of the slave was to be found in the knowledge and practice of the principles of the Christian religion. But it would be unfair to say, that pains should be taken to attach the slave to Christianity, and, at the same time, to teach him that the state of slavery (no matter what the kindness and indulgence of the master might be) was inconsistent with the religion he was solicited to embrace. Having now stated what had been done in the Colonies for improving the condition of the slave, and he regretted to say, that a great deal had been left undone, he would state what was proposed by his Majesty's Government. The resolutions of the House of Commons embraced two objects—the first was the improvement of the condition of the slaves; and the other, those facilities for the manumission of the slaves that would gradually lead to the total extinction of slavery, without injury to the interests of the proprietors. The modes by which it was proposed to improve the condition of the slave were, to provide increased facilities for religious instruction—to give greater security to property—to prevent the separation of families by sale or otherwise—to admit slave evidence in certain cases—to give an additional day for the cultivation of their grounds, by which

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they might he enabled to keep a more strict observance of the Sabbath—to abolish the punishment of females by the whip, and to disuse the whip as a badge of authority in the hands of drivers, or as a stimulus to labour: and for the gradual extinction of slavery, it was proposed to establish a regulation, by which, when the slave possessed sufficient property, he might claim his manumission by having his value declared by appraisement, without requiring the consent of his master. Bills containing these provisions would now be sent to the Governors of the several West India Colonies, by whom they would he proposed for the consideration of their Legislative Assemblies, and the Government would soon he in possession of their decisions upon them. From the earnest manner in which the subject would be recommended to their attention, he did hope that it would have a successful result. But should it prove otherwise, it would then be for their Lordships to consider what course it would he expedient to adopt, to carry the measures into effect.

Lord CALTHORPE said, that though he concurred in the general tenor of the resolutions now proposed for their Lordships' adoption, yet he thought that they by no means went far enough. The low ground of expediency which was made the basis of them, did not convey the feelings which pervaded the country on the subject of negro slavery, and which, he thought, ought to be clearly announced in the resolutions, and embodied in the instructions of his Majesty's Government. For his part, he would have preferred the resolution which had been first proposed in the Commons hy Mr. Buxton, and superseded by those now before their Lordships. In that resolution, it was declared that a state of slavery was repugnant to the British constitution, and to the spirit of the Christian religion. But, then, it was argued hy a distinguished Memher of the other House (Mr. Canning), that they who declared a state of slavery to be repugnant to the British constitution, and to the spirit of Christianity, must, as a matter of course, be disposed to put aside every consideration of expediency, and all reference to the various interests in the question, and rush at once to the attainment of their object without any regard to consequences, and without any hesitation as to the means of effecting it; and that having laid down the abstract principle of the evil of slavery, they were bound not to allow its continuance one hour after their resolution was declared. But that such was not a fair interpretation of the views of those who concurred in the resolution, was manifest from the terms of the resolution itself, which, while it affirmed "that slavery is repugnant to the principles of the British constitution, and of the Christian religion," stated also their clear opinion "that it ought to be gradually abolished throughout the British dominions, with as much expedition as may be consistent with a due regard to the well-being of the parties concerned." It was quite an erroneous view of the subject to suppose that, because slavery was held to be inconsistent with Christianity, those who held that opinion were bound by it to proceed to its destruction, without a cautious and prudential regard to all the circumstances of the case. The Christian religion, while it was repugnant to slavery, was no less opposed to violence and precipitation, and it required that even the best ends should be pursued by lawful means, and in a right spirit. The objection, therefore, to the proposition had, in his view, no just foundation; and he should have thought that their Lordships would be acting in a way more consistent with their own dignity, and with the moral magnitude of the subject, if they were to express themselves in more forcible language, and to adopt a higher and nohler principle for their proceedings than the low and cold one of expediency. The Noble Earl had complained of the language of some of the petitions presented to their Lordships on this subject, hut his Lordship might be assured that that language expressed the universal feeling of the country at large; and who were perfectly ready, whatever might be the opinions prevalent within the walls of Parliament, to declare and to maintain that slavery was altogether repugnant to the genius and spirit of the Christian religion. He particularly rejoiced to perceive that this view of the subject, was that of the Bishops and clergy of our church, who, in entertaining it, consulted as much the dignity of the church as they did the sacred duties of their profession. He also entertained this opinion, and he wished to see slavery abolished, as not only inconsistent with the genius of Christianity, but with the spirit of the British constitution; and he thought they were rather diminishing than promoting the chances of ultimate success in the Colonies, by substituting a lower expression of indignation at the existing

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state of things than such a system, in his opinion, imperatively called for. The best course would have been the direct adoption of the tone originally recommended to the other House of Parliament, and which he believed to be, not only the best calculated to produce a satisfactory issue in the Colonies, but also that most consonant with the general feelings of the people of this country, which, he was fully convinced, were not adequately represented in the resolutions recommended for their adoption.

Lord ELLENBOROUGH thought that the true question before them was, ought they to adopt resolutions fully proved by three years of experiment, to have been ineffectual, or to adopt others more likely to promote a salutary result? He agreed that the colonial system ought to be ameliorated,—he agreed that the odious system of slavery ought to be abolished; but his doubts were great that either purpose would be attained by the line of conduct now proposed. The question then was, in what manner could they most easily, surely, and at the same time rapidly, diminish the sum of human misery which must exist as long as slavery was tolerated? If these resolutions were alone to be adopted, accompanied with a vague hint, that if they failed in their intended effect the Legislature would proceed to ulterior measures, without avowing what the nature of such measure would be, he not only doubted that the anticipations of the Government would be realized, but he rather inclined to the opinion that such a course, instead of diminishing, would tend greatly to aggravate the existing evil. The Noble Earl (Bathurst) was obliged to admit that the colonial assemblies had disappointed the expectations of His Majesty's Government, but he nevertheless went on to state, that there was some hope of their now departing from this contumacious course. He, however, could foresee no beneficial result from adopting the measures now proposed, with the experience before them of their total inadequacy. Let them, by putting a parallel case for one moment consider the argument, and they must be at once struck with its futility. Suppose that the Noble Earl opposite and his Right Hon. Friend were walking in the metropolis, had had their attention arrested by seeing a man ill-treating his horse in a barbarous manner—supposing his Right Hon. Friend to have said to him—"Two or three years ago I saw that very fellow committing the same outrage, and on that occasion I forewarned him that if he persevered in the same course I should take such measures as must secure the better treatment of the animal. Do you now go up to him, and say, that if he continues to practice such brutality, I will certainly fulfil my intentions." Might not the Noble Earl reply, "I could understand your asking me to knock this fellow down for his incorrigibly cruel propensities; but would he not laugh at me, were I only prepared to repeat threats which he had already so entirely disregarded?"

The Earl of LIVERPOOL said, if he was asked why these resolutions had lain on the table of the House of Commons from the year 1823 to the present time, without the concurrence of their Lordships being required, he had little in the way of explanation to offer, and would fairly admit that he had no satisfactory reason to assign why, according to the usual forms of business, such a delay should have arisen; but he would nevertheless add, that if their present appearance before their Lordships was calculated to show that Government were serious and determined in the course which these resolutions implied, and would thereby give another chance of success to the experiment, he, for one, was not sorry that such an opportunity had been afforded of putting on record the determination of Parliament and Government. They had on all sides admitted, that it was desirable the condition of the slave population should be ameliorated, and that slavery itself should be abolished, as soon as possible consistently with the respective interests of all who were concerned in that condition. If that were so, their only consideration was, as to the course to be taken; for something was clearly to be done, or they must be prepared to abandon their declared opinions. It was generally admitted that the first step ought to be, to disseminate a religious education among the colonial slave population, to get rid of their badges of thraldom, such as the whip, the Sunday-work, and those other degradations which mark the inferiority of the man. They must also establish a better system of justice for the slave trials; and something must be done to regulate their valuation on the plan of the orders in council, or some other mode. That they were bound to call upon the colonial assemblies to do what

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was right he readily admitted: but allowances should at the same time be made for the common infirmities of human nature, and a reasonable time ought to be allowed for the growth of reason when heated feelings had unfortunately become excited. At all events, he would say, that whether the result of the resolutions should realize or disappoint their expectations, wisdom and good policy alike pointed out their present adoption. In the event of their failure, it would of course be for Parliament to determine upon the course which they ought eventually to pursue, and he did not think it prudent to say more on that point at present.

The Duke of GLOUCESTER was ready to agree with those who regretted that these resolutions had not been sooner submitted to their Lordships. He was ready to agree with those who thought that it were better they were expressed in stronger terms; but still as they were here, and must be taken in their present form, he was ready to give them his cordial support, wishing to send forth these resolutions with the full sanction of their unanimity; and if the consummation to which they now anxiously looked forward should not be realized, the time would undoubtedly arrive when the evil must be conquered, and when His Majesty's Government would be imperatively called upon to enforce the paramount authority of Parliament, and to carry into execution the measures which it pronounced. He trusted that His Majesty's Ministers would strenuously urge the adoption of these resolutions upon the colonial authorities, who would not do their duty to themselves, to their country, or their God, if they declined to fulfil the beneficent wishes of the legislature.

The LORD CHANCELLOR said, he would not enter into the consideration why these resolutions had lain so long without their being called upon for their concurrence—it was enough for him to know that they were now before them, and must be disposed of: and with respect to the wording of them, he saw no reasonable objection, more particularly to the term expediency; and he for one should have felt a great difficulty in giving his assent to a stronger term. He entirely agreed that slavery should be abolished as soon as it could be safely and practically effected; and, in the mean time, who could hesitate to ameliorate the condition of those unhappy persons whom their policy had consigned to such a doom? He heartily approved therefore of these resolutions, and the more because of their being grounded on expediency. If the local authorities now acceded to the measures about to be urged with renewed force upon their consideration, then there could be no further difficulty. If they refused to do so, then the Parliament would know how to meet such contumacy, without affecting the well-being of the slave, or infringing on the rights of property of the master.

Lord REDESDALE said, that the resolutions ought to pass. The colonists should be made aware of the feeling of the mother country on the subject of the amelioration of slavery. They should be taught to respect that feeling and be prepared to second it. The state of slavery should be improved; but nothing should be rashly attempted. A gradual amelioration should be adopted, in order to render improvement permanent and effectual; but if measures were hastily adopted, the contrary effects would certainly follow.

Lord DUDLEY and WARD, in rising to deliver his sentiments on the question of West India slavery, felt that the subject was one from which (being a West-Indian proprietor himself,) he could willingly have abstained altogether, and which few could approach with any thing like satisfaction. Public attention had lately been considerably occupied by this subject, and who could deny that it was one in which the popular feeling was deeply interested? Scarcely a district of the country, scarcely a corporation, a city, or a town, that had not addressed Parliament on the evils of slavery; and every petition expressed but one opinion on the subject. This united expression of popular feeling ought to meet with the attention of the legislature. It afforded a most convincing and gratifying proof of the increased and increasing spirit of liberality which distinguished the present age. Not only without but within the walls of Parliament, there existed, he might say, but one opinion. With this unanimity of feeling no doubt could be entertained that the purpose of putting an end to slavery must be successful; and the only thing to be considered was, how to effect the object in the least objectionable form. He heartily wished that the West-Indian system

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had never existed at all. It was morally wrong, and if it was morally wrong it could not be politically right. The system must he changed; but the question was how was that change to he effected? Monopoly and slavery went hand in hand in the West India system, and their united pressure, in the present enlightened state of the public mind, was more than it could hear. It could not long be sustained under such a weight. His Lordship, after these and some other very candid concessions, proceeded to state in defence of the colonists, a number of palliating circumstances which should ensure a tender and liheral construction of their conduct in having hitherto resisted the wishes of the country. Their feelings had been irritated hy the exaggerated statements which had gone abroad, and they were alarmed by an apprehension of the destruction of their property. He severely censured the abolitionists for the unconciliating line of conduct they had pursued, hut without specifying particulars, and he went on to plead for compensation as a measure of indispensable justice, and which no man with a spark of honest feeling could think of withholding. He lamented, at the same time, the unreasonahle and ohstinate resistance which had been made by the colonists to the moderate and necessary measures of reform proposed by His Majesty's Government.

The Marquis of LANSDOWN wished that the Nohle Lord who had just sat down would prevail upon the island of Jamaica, with which he was connected, to adopt his views and act in his spirit in passing laws for the amelioration of slavery. He was willing that the assemhlies should again he tried, and he would, to the very last moment, iudulge a hope of their co-operation in the work of reform. At the same time, he could not deny, that past experience discouraged any such hope. He was afraid that he could not be contradicted when he stated, that up to the present time, with the exception of one island, no steps had been taken in the West Indies to give legality to marriage. The only attempt to adopt a measure of this nature took place in the Bahamas; and it was the lamentable fact, that every other island was without auy regulation to govern the most sacred of human ties. Could the West India population he happy under such circumstances, and what were we to think of the legislature that could refuse its sanction to the introduction of a measure of this nature? He would wish to call the attention of their Lordships to another point on which the local legislature had been equally remiss. There was no law passed for facilitating the manumission of slaves who might possess the means of purchasing their own freedom. Could there, he would ask, he a more satisfactory mode, both for the master and slave, than that the latter should ohtain his freedom in this way? An example would thus be held out to other slaves to persevere in hahits of industry, in order to effect their freedom at no very distant day. The good to be thus produced would he infinite, and the omission of such a law was much to he lamented. There was another point to which he wished to draw the attention of their Lordships—namely, that no means had as yet heen taken to prevent the punisbment of women hy means of the whip. There were many other points too tedious in detail to trouble their Lordships with at present, and he boped that the legislature in the West Indies would save the Parliament here the necessity of interfering to put down those abuses in future. Before sitting down, he wished to ask the Noble Earl whether he bad any objection to direct the several legislatures to he summoned with a view of giving tbem the fullest opportunity of considering tbe propositions of Government, and making known their own views thereupon in time for the first meeting of the British Parliament? He tbought it would he good for them, and for the subject, that the knowledge should be communicated at an early period; and that it was essential to the character of sincerity which ought to be stamped upon the proceedings of that night, that the Government should take care to enable the Parliament, after adding one year more to the three years so unprofitahly and to so little purpose passed over, to resume with effect their present determination to enforce principles which were now admitted to be right on all hands, hut which, he admitted, ought only to be pursued with a proper regard to the safety of the colonies, and to a just sense of the welfare of individuals.

Earl BATHURST said, he should send out directions to the Governors to cause the several assemhlies to be called together to receive the instructions of Government at the earliest possihle period.

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The Bishop of BATH and WELLS asserted the incompatibility of slavery with the Christian religion, of which he was a minister, and with the British constitution, whose free and willing and obedient subject he professed himself. Whatever seeming countenance and toleration might be shown towards a property in slaves by Christianity and the law of the land, there could be no question of their direct antipathy to all oppression and injustice. No less hostile to slavery were the dictates of common justice and humanity: a system also which was equally opposed by all sound maxims of political economy. Free labour must in every sense be preferable to that of slaves. The man who was conscious that by the sweat of his brow he was providing for his wife, his children, and himself, must be far before the hopeless creature who had only to work to that extent of toil to which the whip would goad him. With pleasure had he witnessed the resolutions of 1823, which were consonant with humanity and justice; he was sorry that they had been so ill received by the colonial legislatures. He rejoiced at the resolutions now taken by the Government, and if they were not better executed, he hoped that the spirit which had loaded their table with petitions, would be again awakened among the people, and that the determination of Parliament and the expectations of the country would be carried into effect by doing away that foul stain upon the character of a Christian nation.

The Bishop of FERNS cordially concurred in the sentiments that had just been expressed, and was further anxious to satisfy the House of the concurrence in the same sentiments of the Irish church in general. He thought that the slave-owners must be the most deadly foes to their own interests, if the resolutions now proposed should be still opposed.

The most interesting debate, however, connected with the question of Slavery, took place in the House of Commons, on Thursday the 2nd of March, when Mr. DENMAN brought forward a motion respecting the TRIALS OF CERTAIN SLAVES IN JAMAICA, CHARGED WITH CONSPIRACY AND REBELLION. The subject, Mr Denman observed, was of vast importance, and merited the deepest consideration of the house; and although he knew how difficult it was to draw its attention at this moment to any topic not connected with the awful and perilous situation in which the credit of the country was placed, yet he trusted that the momentous nature of that which he had now to submit would sufficiently excuse him. If they would shut their eyes to this painful subject, they would be unfaithful representatives of the people of England, for that people, notwithstanding the pinching distress which wrung them on every side, had not lost sight of the miseries of the slave population, but had expressed in numerous petitions their sense of the necessity of ameliorating the condition of those their unfortunate fellow-subjects on the other side of the Atlantic. Considering, then, that of all oppressions judicial oppression was the least to be borne, and the easiest to be remedied, he was sure that in submitting to the house a case in which, as it appeared to him, that sort of oppression had been practised to a dreadful extent against certain slaves in Jamaica, he should be discharging a duty which the house would not think either unimportant or ill-timed. The events to which he had to allude took place in December, 1823, and in the following year. They were detailed in papers which lay on the table of the house, and to which he should restrict himself; and though furnished by the parties themselves, against whom his motion was directed, yet they contained sufficient to found that censure upon the courts of justice and the government of the Island which he meant to propose, and which he thought their conduct merited. The first case he should bring before the house was that of a trial which had taken place in the parish of St. Mary, on the 19th of December, 1823. The circumstance on which this trial was founded, was nothing more than that a Mr. Roberts, who was a butcher, at Port Maria, in Jamaica, having occasion to reprove his negro boy for carelessness with respect to his person and wearing apparel, a conversation ensued, in consequence of which eight negroes were arrested, tried for a rebellious conspiracy, found guilty, and sentenced to be hanged by the neck until they were dead; a sentence which was executed four days after it was pronounced. Every one of those negroes died with the most solemn protestations of his innocence, and they refused one and all, even on the scaffold, to purchase any mitigation of their sentence, either by a confession of their own guilt, or by accusing others.

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Mr. Denman then detailed at some length the evidence which the Government of Jamaica had thought sufficient to warrant this summary and sanguinary proceeding. To him it appeared that the whole charge rested on the evidence, chiefly hearsay, and scarcely supported in any one instance, of a boy who had trumped up a story to save himself from correction, which was seized with extraordinary avidity, and without any attempt to sift and investigate the facts of the case, as conclusive proof of a dangerous plot. The childish story gained universal credit, and without any previous examination of the unhappy persons accused, or any attempt to confront them with their accusers, or to guard against the possibility of falsehood, were these eight men in two days brought to trial and found guilty. In the course of the trials not a single witness appears to have been cross-examined. The discrepancies in the evidence were innumerable: not one of these was noticed. The charge was of the most vague description; they were accused of rebellion, conspiracy, *and other crimes*. Persons were mentioned as privy to the facts, who, though on the spot, were never called to give their testimony. The evidence admitted was, in some cases, indeed in all that were material, hearsay, and sometimes two and three deep: added to all which, a father was hanged on the evidence of his son, a boy of thirteen, and a husband on the evidence of his wife; and in their case and that of the other witnesses, the strongest temptation which could be applied to the mind of slaves was applied to theirs, namely the prospect of freedom;—of freedom to be obtained as the reward of their evidence. On such testimony, so loose, so contradictory, so inconclusive, not amounting, if the whole had been as true and consistent as it was evidently untrue, were these eight men, unaided by counsel, without a witness in their favour, on the second day after their apprehension, condemned to die—and the chief magistrate, in a letter to the Governor, gives as his reason for this precipitancy, that he thought it highly important for the safety of the Island, that they should be executed before Christmas, as an example to the other negroes. Now, was it on such a report as this, and on such evidence as the house had before it, that the Governor ought to have given an order for the execution of these eight men? He trusted the house would express its clear opinion of the iniquity of such a proceeding, and by its vote this night interpose to prevent persons in future, whether slaves or not, from falling the victims of perverted evidence, of ignorance, and of passion, which tended not less to the punishment of innocence than to the impunity of guilt. Mr. Denman then adverted to the trials which had taken place in St. George's, St. James's, and Hanover; and shewed that in all of them except the last, a similar and gross perversion of all the forms of justice had taken place. The St. George's plot had its parallel only in the infamous history of Titus Oates; and it was impossible to read the evidence and compare its different parts, without a firm conviction that the plot from first to last was a mere fabrication, supported by false and perjured witnesses, acting with a view to the promised reward of their villanies. In the case of Hanover, indeed, there had been conduct on the part of the slaves, which it became necessary to repress and punish, but it partook in no degree of the nature of rebellious conspiracy. The disturbance arose out of the misconduct of the owner of the Estate, who had wantonly abridged the slaves of a part of the day which they were in the habit of having for the cultivation of their grounds. Their subsequent conduct admitted of no excuse; still they did not take a single human life except their own: two of them died by their own hands. In all, about twenty-four slaves were executed, and some transported, mostly on evidence of a kind which would not have been allowed to be given in any English Court. Besides this, the evidence was almost entirely that of slaves,—of slaves too unsworn,—of slaves, whose testimony is deemed by the people of Jamaica wholly unworthy of credit in every case small or great, civil or criminal, affecting a person of free condition. While the house of assembly of Jamaica was rejecting a bill to admit in the most qualified and restricted manner the testimony of slaves as necessarily leading to gross and multiplied perjuries, on that very testimony, thus repudiated and rejected as unfit even to be heard, were the magistracy and the Government of Jamaica executing their enslaved fellow-subjects by wholesale. The bill that had been thus rejected, had been brought forward in the house of assembly by a Mr. Stewart, who stated some strong cases in favour of it. One was the case of a female slave whose head was twisted off; but in which a conviction did not take place, not because there was any doubt

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that the deed had been done, but because, although several persons had seen it, their evidence, being slaves, was not legal. Another case Mr. Stewart said was of very rceent date. "In this town (Spanish Town), a white man, a monster of cruelty, concealed a female slave in a room, where with a hot iron used for burning marks on cattle, he disfigured, and mutilated the poor creature who was so unfortunate as to be in his power. He trusted to the effect of the law which prevented slaves from giving evidence, but it chanced that a young free man of colour, suspecting what was going forward, peeped through a crevice, and saw the horrid scene. On his evidence the owner of the slave was convicted and punished." Another fact was related by Mr. Mais. "There is one iustance which, because of receut occurrence, I must take leave to mention. It is the case of a female slave, who on her return home, was met by a free man of colour, who had been out shooting. A little dog which accompanied her, barked, and probably might have suapped at the man. This irritated him, and he threatened to shoot the dog; the woman, alarmed for his safety, called out 'O don't shoot him; don't shoot my dog;' upon which the man turned angrily upon her, and said, 'Not shoot him? I'll sboot you if you say much,' and with little ceremony, lodged the contents of his picce in her side. Tbis was in the face of day, in the presence of many persons, but who, being slaves, were not qualified to give testiuony on tbe occasion, and the offender escaped." On the other hand, the argument against admitting slave evidence was very forcibly urged by Mr. Hyslop. "What can you expect," said he, "from persons, who if called to give evidence, may as soon as they quit the court, be subjected to the cart-whip by their master? Will not bodily fear predominate over the love of truth, or a sense of duty?" And yet under these appalling circumstances 24 slaves had been executed on the evidence of their fellow-slaves: Shall it be said, then, that a remedy for such a state of thiugs is not necessary? If be were asked what remedy he would apply to such a case, be should say he knew but of one. It was one simple in its nature and in its operation, namely, the extinction of slavery. It was of the highest importance that the people of Eugland sbould be fully informed of what was passing in their colonies; and this was one of his motives for bringing this subject forward. He would now move the following resolution:—"That tbis house, having taken into their consideration the account laid before them of certain judicial proceedings in the Island of Jamaica, on the trials of slaves for rebellion, conspiracy, and other offences, in the years 1823 and 1824, deem it their duty to express, in tbe strongest terms, the sorrow and indignation with which they contemplate the perversion of law and the violation of justice displayed in those trials; they deeply lament the precipitation with which sentences of death wholly unwarranted by proof, were carried into execution; and they cannot refrain from declaring their conviction of the necessity of a reform in the administion of criminal justice as affecting the slaves."

Mr. Wilmot Horton deprecated discussions of this sort, which served to kēep alive irritation in the West Indies, and to retard improvement. He entered into an elaborate defence of tbe Magistracy and Government of Jamaica, who, he maintained, were fully justified, by their well founded fears of insurrection, and by the state of law in that Island, in the course they had pursued with respect to the trials which had been brought under the notice of the house. The Duke of Manchester felt convinced, from various sources of information, that rebellious intentions existed in the minds of the slaves;* and there could rest no reasonable doubt in the mind of any man, that rebellious conspiracies had existed in the parish of St. Mary aud St. George. In St. George's especially, the confessions of the negro Jack would satisfy every man that there had been a conspiracy.†

*The Government of Jamaica has doubtless furnished the whole of the evidence on which it was led to helieve in the existence of rebellious iutentions in the minds of the slaves, and that evidence appears, it is to be presumed, in the papers laid before the House of Commons. These, however, most certainly exhibit no satisfactory proof of any such intentions.

†The object of Jack's confession, evidently was to recriminate upon Corberand, whom he regarded as the cause of his death. The desire of revenge is manifest in the whole of that confession; and supposing it to be correctly given,

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As to the case of Hanover, the existence of rebellion was undoubted. Mr. Horton then quoted various passages from the laws of Jamaica, which inflicted the punishment of death on a variety of offences, when committed by slaves, which were not punishable with death in this country; as rebellion or rebellious conspiracy, compassing the death of a white person, having in his custody any arms, gunpowder, or ball; unlawfully meeting together; mixing human blood with rum, &c. &c.: and under these laws it was, that the punishment of death in the present cases had been inflicted. It would be unfair, then, to blame the Magistrates and the Government, who had merely executed the laws as they stood—laws which had received the Royal sanction. He did not mean to justify the law, he merely stated the fact. If the law was bad, and if the established practice admitted an extreme laxity of evidence, the fault ought not to be charged on the public functionaries, whose duty it was to obey the law as it stood. The laws ought indeed to be altered; but while they remained in their present state Magistrates must execute them. The laxity of the evidence, the want of counsel, &c., were the fault of the law, not of the magistrates.* The Duke of Manchester too had stated, that the trials had been most scandalously reported.† As to the assertion that manumission and money were given as rewards for evidence, the Duke of Manchester had authorised him positively to deny the charge.‡ In fine the Duke had felt that an example was absolutely necessary to check insurrection, and to secure the peace of the Island; and the only question for the house was, whether, under all the circumstances of the case, substantial justice had been done. He admitted at the same time, that these proceedings proved the necessity of a complete reformation of the slave system. On the whole he did not feel that the house was justified in passing a censure upon the Magistrates and Governor of Jamaica; and he should therefore move as an amendment,—"That this house sees, in the proceedings which have been brought under its consideration relative to the late trials of slaves in Jamaica, only a further proof of the evils inseparably attendant upon a state of slavery, and an increased evidence of the propriety of those resolutions which it passed in the year 1823: but that, however desirable it may appear that the law under which the late trials had taken place should be amended, it does not seem safe to the house, or expedient, to impeach the sentences passed by a competent tribunal upon persons brought to trial according to law, and convicted by a jury duly empanelled, and sworn to give a true verdict upon the evidence laid before them."

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it contains little that is specific beyond charging Corberand as the author of a plot, and the person who alone was possessed of its secrets. With respect to his own crimes of practising Obeah and being a runaway, he states, very pathetically, that the cruel usage of his owner had driven him to what he had done. *His* confession, supposing it to be true, affords no legal proof whatever of any conspiracy.

*There exists no law in Jamaica, which could justify the admission of hearsay evidence, or of contradictory evidence, or which could justify a vague oral charge of "rebellious conspiracy and *other crimes*;" or which could exempt magistrates from the duty of sifting and cross-examining evidence, or which could oblige them to put men to death, whose crimes were not fully and satisfactorily proved.

†And yet upon that same report of the trials, which was then before the House of Commons, did the Duke of Manchester order these eight men to be hanged by the neck till they were dead.

‡This denial on the part of the Duke of Manchester is by far the most extraordinary part of the whole case; as it is directly and most completely contradicted by an unquestionable document, transmitted to this country by the Duke himself, and now lying on the table of the House of Commons, namely the Report of the Secret Committee of the Jamaica Assembly, of December, 1824, in which they recommend the reward of manumission to the slaves who gave evidence for the prosecution in St Mary's, and elsewhere; and other rewards to the free persons who appeared as witnesses for the Crown on the various trials. Such assertions, so contradicted, necessarily throw doubt on the official information in general of the Goverment of Jamaica.

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Mr. Fowell Buxton observed, that instead of deprecating with Mr. Horton discussions like the present, he was greatly in favour of them. They never occurred without some advantage gained, some concession made in favour of the slave. Even the speech of the Hon. Gentleman in this view had been most important. He had admitted that no such proceedings as these would be endured in this country, and that where Slavery existed, impartial justice was unattainable. Mr. Buxton briefly adverted to the various atrocities which had occupied their attention during the last two years: the murder of the missionary Smith, the Demerara massacre, the persecution of Shrewsbury, the deportation of Lacesne and Escoffery, the returns of the Berbice Fiscal, and now these trials. With respect to these, he undertook to prove from the papers on the table, furnished by the Jamaica Government as their justification, that there had been no plot in St Mary's, St. James's, or St. George's; and in Hanover only acts of violence originating in no regular plot, and instigated merely by the circumstances of the moment. In proof of this, he entered into a minute examination of the evidence, and shewed its direct and palpable contradiction in a great variety of instances,* and that no conclusion could be drawn from it but that the whole was a mass of fraud, perjury, and imposture. He could not therefore but agree in the conclusion of his Hon. Friend, that these trials exhibited such a total perversion of law, such a gross violation of justice, as merited the marked censure of this House, and called for an immediate and effective reform. In the annals of this country there was only one parallel to these atrocious proceedings, that of the popish plot, speaking of which Mr. Hume had said thus: "Titus Oates began by stating a little, and finding that his statements gained credit, he soon furnished an improved version of his plot. In the same way Bedloe began by degrees, and enlarged his tale as he found the reward likely to increase." In this case, as Mr. Hume remarked in that of Titus Oates, "the bountiful reward held out did, as must have been expected, bring forward a great number of witnesses." It was incumbent on the House to avow its detestation of such a system, and to shew its determination to prevent the recurrence of scenes at once so unjust and so disgraceful.

The Attorney-General did not rise to justify the proceedings in discussion; for no man could reprobate more strongly than he did the whole system of the administration of justice in our colonies, as far as the slave population was concerned. He could not understaud upon what principle the law should be differently administered when the lives of a black man and a white were at stake; or why any of the forms and securities should be waved in the one case, which were insisted upon in the other. Nor could it be questioned, that we must soon come to an altered state of things, a state in which the slave, upon trial for his life, would be prosecuted under the same restrictions, and defended in the same manner as his master. What was the comparative situation of these two parties at the present moment? If a white person was put upon his trial, no matter for what offence, a distinct charge was necessarily preferred against him, which he would be able to defend himself against, and know how to meet. Now a particular act had not long since compelled, in the case of slaves, the reduction of this charge to writing; but though that act had passed the Legislative Assembly at Jamaica, it had been accompanied with the sweeping proviso, that no objection ever should be raised upon a point of form. Unfortunately, persons in the situation of magistrates in that Island, were very likely not to distinguish accurately that which was matter of form from that which was matter of substantial importance. This was his first objection. He did not mean to say, with reference to the present proceedings, that they were illegal *under the slave law of Jamaica;* but only let the forms of the charges in any of the trials be looked at, and let the house then say whether that system of law could go on to be supported. The prisoners were here charged with being guilty—of what?—of "rebellious conspiracy:" and was that all? No; but there was the addition—and "of *other crimes.*" This left the prosecutor at liberty to give evidence of any crime (no matter how unconnected with the main charge) of which the party might have been guilty. The prisoners were charged with "rebellious conspiracy." Every body knew, in this country, that

* The proofs of contradiction adduced by the Honourable Gentleman were very striking and decisive: they will probably be exhibited on a future occasion.

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a man could not conspire by himself; but these charges stated no time, no place, nor any parties, with whom, or against whom, the culprit was accused of having conspired. Would the house, then, fail to say, that this system deserved reprobation in the highest degree? He would now call the attention of the house to another curious point—he meant the law as it related to slave evidence. In the case of an accusation made against one of the white population, slave evidence was not allowed. They were viewed as beings who had no due notion of the distinction between truth and falsehood; and they were not suffered, therefore, to give evidence against a white man. But let the house mark the extraordinary inconsistency which distinguished the system. When a slave was to be tried, when the life, character, or property of a white were not at stake, the evidence of slaves was freely admitted against the accused party; not under the sanction of an oath, but on his bare word, he having previously listened to an exhortation not to tell a falsehood. Now, he would ask the house, could a system of this kind be defended? Could it lead to the ends of justice? He did not blame the persons who acted under this system, but he blamed, in the most decided manner, the system itself. Those individuals were not proceeding contrary to the law; their acts were only in accordance with it. He reproached *not them*—it was the *law* which he condemned. Now let the house look at the charge which was made in the case of Charles Brown, for example. What was it?—It was a charge of high treason. The principal witness on the occasion was the boy William. Was he sworn? No, he was not. He was insensible to the obligation of an oath, and yet he was admitted to give evidence to take away the life of a fellow-slave. Here he begged the house to mark another peculiar circumstance. Was it not, he asked, the universal rule of common law in this country (and he always understood that the common law of this country extended to Jamaica),that hearsay evidence should not be received? Yet, in this case, hearsay evidence was received to a very great extent. The boy William said, "Sterling, my father, spoke such and such facts." This was the very worst species of hearsay evidence, and yet it was admitted against the prisoner. He understood, that though the law was different with respect to whites, this course of proceeding had been uniformly admitted with reference to blacks. He condemned this system in its general principle, he condemned it also in its mode of working, as it was developed in the cases before the house. But when he stated this, he must declare his conscientious belief, that the persons who were engaged in those prosecutions acted in accordance with what they thought the law of the colony. He could not attempt to defend that system; but still it was due to those who only acted under that system to state the fact. Let the house consider further, the incoosistency which appeared in some of those trials, and which had been very properly pointed out by his learned friend. The boy William declared, before the court, that he knew of large bodies of negroes meeting together; but, in his first examination, he had spoken only of the assembling of five persons. Every body, however, who read the reports of those trials, must perceive that they were very imperfectly given. Indeed, they could form but a very loose idea of the guilt or innocence of the parties accused, from the mere reading of these reports. Those who were present, by marking the demeanour of the witnesses, by observing the conduct of the accused, could form a more just idea of the guilt or innocence of the parties, than any set of men were capable of doing from the perusal, not to say of an imperfect report, but of the most perfect report of the proceedings.* After some observations, tending to shew that it was not strictly illegal to receive the evidence of a son against a father, or of a wife, so called, if she were only a concubine, against her husband; and after pronouncing an eulogy on Colonel Cox who presided at these trials, the Attorney-General concluded with saying, that he believed the magistrates and juries had acted fairly and honestly under an impression of the existence of conspiracy; and that, therefore, though he would be willing, in the words of the amendment, to condemn the system, he could not agree with his learned friend to pass a sweeping censure on the individuals, who he thought had conscientiously administered the law as they found it.

* And yet it was on this imperfect report, with all its gross inconsistencies and contradictions, that the authorities in Jamaica ordered these eight men to execution.

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Dr. Lushington said, the speech of the hon. and learned gentleman who had just addressed the house, went to this—to the fearful extent of showing, that if the forms of law were but observed—if the forms establisbed in any one of the distant territories of this country, however revolting to humanity, were adhered to—the House of Commons was prohibited from inquiring how far justice was administered in any given case. The hon. and learned gentleman had dwelt on the difficulty which must arise in judging of what had occurred at a great distance, when an incorrect record of the proceedings was before the house; when they had not such ao opportunity as the jury had, for sifting and examining the matters alleged against the accused. If that position were well founded, then it would follow, that it mattered not whether those individuals were executed on the evidence of bribed slaves, or of an unsworn boy; or if they had been condemned on half the evidence adduced, the argument of the learned gentleman would have been just as conclusive. He, however, would argue, that the first duty of that house was, to see that justice was administered in a strictly impartial manner, even in the most distant possessions of this country. This was the more important, because in those distant possessions, there was an infinitely greater opening for injustice aod oppressioo, than could, by possibility, be found near the seat of Government. Here, if an apprentice were ill-used, or if any abuse were discovered in a gaol, members of that house were ready to start up, to call on ministers to redress the grievance, or, if they found it necessary, to proceed with the case themselves. In the Colonies, however, all was hidden in obscurity or buried in oblivion. In the present case, they heard of the execution of eight individuals, under most extraordinary circumstances, and they were told, that they were not to inquire into what took place, because, forsooth, it was all in accordance with an old and barbarous system, which had warranted the Duke of Manchester, it was said, in ordering their execution. But was not the evidence on which he had acted, the same which was now before them, and which was the most inconclusive that could be imagined? How came it, he should like to know, that the Duke of Manchester had authorized the execution of eight individuals, found guilty upon such evidence, without having it fully examined by legal men? He might have had the opinioo of the Chief Justice of the island, who, well acquainted as he was with English law, would at ooce have detected the errors with which that evidence abounded. He contended that the whole proceeding was contrary to every idea of substantial justice, and he was astonished to think that any tribunal, consisting of Englishmen, could, in a case of life or death, receive such evidence. He imputed not to the Duke of Manchester or the magistrates any wilful malice; but he did impute to them great carelessness in the performance of their high duties. Dr. Lushington quoted various passages in the papers, to shew that evidence had been admitted at third hand, hearsay testimony three deep, in order to prove the existence of that desperate and formidable conspiracy, on the reality of which Mr. Horton rested his defence of the Duke of Manchester and the magistrates. The Attorney-General had expressed his entire disapprobation of the system of law prevailing in Jamaica; hut that law, he argued, had been honestly executed. From this proposition he entirely dissented; nor could he see how a verdict of guilty could have been given, but through the influence of fear or cowardice, or some worse passion uniting men to do injustice to their fellows. His hoo. friend (Mr. Horton) had said, that he was authorized by the Duke of Manchester to declare, that none of the witnesses had received rewards for their evidence. And yet what said the Secret Report of the Jamaica Assembly now before them? It recommended to the House to reimburse the parish of St. Mary the sum of £376. paid for the manumission of certain slaves, who had rendered essential service by the discoveries they had made. Did this look like a pure administration of justice, by witnesses free from the influence of intimidation or reward? If any thing could pollute the course of justice and make the verdicts of juries the means of oppression, it was holding out to slaves such a temptation as the boon of freedom to convict their fellows. To prove a plot, testimony was to be obtained in any way; and bribes were to be offered to any man base enough to receive one. It was thus that such miscreants as Mack and Corberand were induced to invent and swear to the most malignant falsehoods. On the single evidence of one of these men, himself an accomplice, who had already been guilty of manifest perjury, and whose evidence was un-

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confirmed by any other testimony, did the Duke of Manchester, in one case, that of Leon, order the execution of the final and dreadful sentence of the law. The white people of Jamaica claimed as their birthright the enjoyment of English laws and privileges. How had they enjoyed them? By engrossing to themselves all the advantages of that excellent system, and by placing the blacks under a code of laws in which every feature of injustice and tyranny were disgustingly prominent. It had been asserted, that the conduct of the judges on these trials had been free from all imputation. And yet, though the miserable and ignorant prisoners were without counsel or attorney, the judges had not cross-examined a single witness. Did Colonel Cox, whose humanity was so much extolled, ask, "Have you been promised your freedom?" "Have you been threatened by your master?" Nothing of the sort: and although five magistrates presided, not one had the common honesty, or rather the common humanity, to put a single question to elucidate the truth. In short, if the amendment were carried, it would henceforth be thought sufficient in the Colonies to adhere to the mere forms of law, and to disregard all the obligations of substantial jurtice. It had been said, that one of the slaves, Cosley, had confessed his crime. He did not believe it. Where was his confession? He begged to ask, whether the following scene had not occurred at the place of execution:—Were not the graves of the miserable sufferers dug beneath the gallows? Was not an offer made to spare the lives of any two who would confess their guilt? and did they not one and all refuse to acknowledge the slightest criminality? That such was the fact, he had from a respectable gentleman, an eye-witness of the scene. In defence of the Duke of Manchester it was said, that the alarm was great, and the responsibility heavy, and that examples were necessary. But before examples were made, ought not guilt to be established? The very laws of Jamaica were framed in defiance of every semblance of justice, as respected the blacks. Hence judges and juries, in the case of blacks, lost sight of what would be mere humanity in the case of a white; and hence the horrible scenes, originating in pusillanimity and hatred, which were last year exhibited. Much had been said of the horrors attending negro insurrection; but even these would form no parallel to the horrors which the whites, professors of Christianity, and acquainted with the forms and principles of justice, had heaped from time to time on the devoted negroes. All the massacres of St. Domingo were not to be compared with the barbarities related by Bryan Edwards to have been perpetrated by the whites of Jamaica on the negroes, and yet, though himself a man of education and talents, he relates them unaccompanied by a single reflection on their needless and wanton cruelty. Conspiracy might be dangerous, but it was not less dangerous to drive a population to desperation by such scenes as these. If they meant to preserve the Colonies, they might administer the laws strictly; but they must do justice and love mercy. No race of men would submit to be quiet, if their feelings were wronged and tortured by oppression. If in our conduct to the negro we followed the principles of Christianity; if we taught him a sense of justice and a knowledge of God; if we afforded him present comfort, and a future hope of rising from his present degraded state, we might keep him quiet; but we could never do so by the operation of the mere fear of terrible punishment. If we looked to past events, and contemplated those likely to arise, we must be convinced, that it was good for all who lived in the distant parts of our dominions, that the doors of this house should be open to their complaints, and that in all cases parliament should shew its readiness to do justice and to punish oppression.

The SOLICITOR-GENERAL perfectly concurred with his Learned Friend in all the sentiments he had expressed of a generous abhorrence of slavery as well as in his eloquent denunciation of its abuses; and he most earnestly desired a reformation of these evils; but he could not agree with him as to the gross malversation of all who were concerned in the late trials. The House could not adopt Mr. Denman's resolution without being prepared to state, that the judges, the jury, and the governor, had all been guilty of a perversion of law and a violation of justice. He did not contend that these trials had been properly conducted, but that such as they were, they were in accordance with the laws of Jamaica. Were these trials illegal according to the *lex loci?* That that law was bad and required a thorough reformation, every individual on both sides of the House was agreed. That in all trials the black should be on the same foot-

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ing with the white he maintained as strongly as any man; but he would not consent to stigmatise individuals who had only acted according to the existing state of law. They were not to be punished because the law was bad, or because they were not such a nicely balancing jury as a jury of the county of Kent: and yet for this the resolution went to condemn them. He was not prepared indeed to defend these proceedings. He was not prepared to take upon himself the task of threading the ichnography. Still he did not think the judges and governor ought to be censured. It would be injustice as great as any which had taken place in the Colonies if we were to condemn these men for acting under the existing law. The House, he trusted, would execute the duty of amending that law; and he agreed fully with his Hon. Friends opposite as to the hated and accursed nature of the system of slavery, and he went along with them in desiring the abolition of it and its evils; but still he could not vote for the original motion, but must vote for the amendment.

Mr. W. Smith gave his meed of praise to the force and eloquence displayed by his Learned Friends, (Mr. Denman and Dr. Lushington), and would not weaken the effect of their arguments hy repeating them. He fully agreed, however, with the Solicitor General in designating the colonial system as a hated aud accursed system. He himself avoided the use of such expressions, but he rejoiced to hear them fall from the mouth of so high an authority. That Hon. and Learned Member, while he denied the dishonesty of the Jamaica Jury, in fact, admitted that the negroes were living in a state of society, the very nature of which required such a system of laws as almost to render it impossible for them to expect justice. If, however, he had examined the proceedings of the courts rather more accurately, he would find that they were not to be justified even on the ground of having administered the law strictly, according to its existing forms. They had not admitted or rejected evidence, on mere technical rules of evidence. They had admitted against the prisoners hearsay evidence, at the third hand; and without attending to mere technical distinctions, which a common or even special jury of the country might not he supposed to know, they had violated principles of evidence so clear that every man must be acquainted with them. In fact, no mau of common sense and common humanity could fail to observe the looseness of the evidence on which these persons had been convicted. These trials, however, did not furnish the only instances of the absolute necessity of altering the present laws of the islaud. Indeed those laws could not be exposed to the view of the British people, without their saying instantly, that such a system could not be suffered to exist in any dependencies of the British empire. The people and the Parliament of this country were disposed to alter this system. The white people of Jamaica said it should not be altered. In what a dilemma, then, was this country placed. The alteration must eventually take place, hut in the intermediate time what controul was possessed hy the people of England, that an administration of law according to the principles of justice aud humanity should be secured to the Colonies? Was there now any other security than that of public opinion? His Hon. and Learned Friend had proposed a resolution, by which the voice of public opinion would be clearly expressed. However the questiou now at issue between the motion and the amendment might be decided, the discussion, he was convinced, would have done infinite good. It would open to the eyes of the public such scenes as they were not accustomed to see; it would convince them, that the representations made by those who were sometimes falsely accused of misleading the public mind, were true representations; that they had not asserted one fact which was not fully made out when the documents were produced; that they had not put forth one statement which was not confirmed to its very letter; that there was not one single accusation of cruelty which was not fully established. He did not say that the Right Hon. Gentleman opposite (Mr. Canuing) had given, two nights ago, a view of the meliorations in the condition of the slaves which he did not believe to he true; but he thought the persons to whom that Right Hon. Gentleman had trusted for his information had misinformed him. He was quite sure that the meliorations had neither been so numerous nor so important as the Right Hon. Gentleman had stated. The present system of slavery, be it remembered, was not that which Christianity at its first coming had tolerated. It had not, as was alleged,

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antiquity to justify it; it was of mushroom growth; it had sprung up long, long after the prevalence of Christianity had actually abolished the ancient slavery, and, in his opinion, the existing slavery and the Christian religion were most entirely opposed to, and wholly incompatible with, each other.

Sir Robert Wilson agreed with the Hon. Member who had just sat down, and with the Hon. and Learned Gentleman who had brought forward the motion, who he thought was entitled to the thanks of the House and the country, for calling their attention to these gross abuses. The motion of his Learned Friend was more agreeable to the view he took of the matter than the amendment, precisely because he thought the House was called on to pass a vote of censure on the magistrates, the governor, and the whole course of the proceedings; it was bound to censure the judges, the jurors, and all the parties concerned in carrying on these lawless and sanguinary proceedings. The magistrates had not acted under the sanction of the law, but in violation of it. The evidence was such as common justice, common sense, and common humanity would instantly have rejected. He would do the Law Officers of the Crown the justice to say, that they had spoken of the system in those strong terms it merited; but he did not know that the House was as yet aware of all its atrocities—what would Members think of the following case? In 1822, a man named James Simpson was tried at Jamaica, for having chained down a young girl, only nine years of age, and then committing a rape on her person. He was found guilty; but his counsel moved, in arrest of judgment, that the man had committed no crime, for the girl was not a human being, but a chattel, and that as against her the offence was no offence. The case was remitted to England, and he believed the opinion of the twelve judges was required on it, who declared, that, in the existing state of the law in Jamaica, no punishment could be inflicted on the man, and he was set at liberty. The Government had taken the matter up, he also believed, and had made strong representations to the Colonial Legislature on the subject of the law. From such circumstances as these, proving what was the actual state of the law, and what the condition of the slave, he thought we were bound to pursue the total destruction of slavery, reckless of every opposing plea.

Mr. Goulburn, having had the misfortune to succeed to a property in the Colonies, could not allow the debate to close without asserting, that there were Gentlemen connected with the colonies, who felt as warmly concerning all these transactions as any of the Honourable Members on the other side of the House. It was due to the Colonists to state, that the sentiments of many of them were perfectly in unison with those of the Gentlemen who reprobated these proceedings. He found it the more necessary to make this declaration, because he intended to vote for the amendment, though in most of what had been said respecting the trials, the evidence, the laws of the colonies, he fully agreed with the Hon. Gentlemen opposite. But, though of this opinion, he could not go the length of the original proposition, because he was not prepared to visit with a heavy censure, or to stigmatize as criminal, men, who, living in a state of society quite different from this, whose property and lives being at stake, and who acting under the greatest apprehension, had not conducted themselves quite so calmly, so dispassionately, as Gentlemen would have conducted themselves here. If the resolution of his Hon. Friend went forth with the unanimous approval of the House, it would be impossible for the Colonists to doubt how highly their conduct was disapproved of. They must see, that Gentlemen who agreed on no other subject, had united to condemn the Colonial laws; and such a sentence of condemnation would, he thought, operate as an effectual check against such proceedings in future. The original resolution involved in it a principle that, if applied to the judicial establishments of this country, might lead to enormous evils. It called on the House, with very insufficient evidence, to pass a severe censure on the magistracy of Jamaica.

Mr. Brougham differed entirely from the Right Hon. Gentleman in the view he took of the subject. The opinion of that House, censuring the unjust conduct of the Magistrates, and pointing out that the system was wrong, and required reform, would indeed convince the Colonists that it must be reformed. But as the amendment, though expressing a strong disapprobation of the system, sought to screen those acts of injustice which were not denied, and could not be

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denied, which were undefended and indefensible; as this Amendment not only sought to screen, but actually defended what no single man in that House would stand up to defend, he felt himself bound to take the sense of the House on the subject; and he should divide against the Amendment, though he stood alone, rather than it should go forth to the public as having received the unanimous approbation of that House. The Amendment attributed all the blame to the system, but assumed that the trials were all strictly according to the regular mode of proceeding; therefore, it was said, that the system alone was to be amended, and it was not proper to express an opinion on the conduct of those who had acted under it. The Attorney-General had said, he should be the last man to defend the system; and the Solicitor-General had said, God forbid, that he should deny or defend the atrocities of the system. He was even indignant, that it should be supposed he had looked through the Report, and examined the cases, with a view to defend them. He did not even attempt to palliate, what, all admitted, deserved blame; but he wished the House to distinguish between the law and the individuals, and only to censure the former. But, in his opinion, the law had been so perverted—the evidence was so inadmissible—the charge so vague and irregular, that it was not possible to defend the conduct of the individuals. Even in Smith's case there was a better ground of defence: he was tried, indeed, by an anomalous Court—by a Court half military, half civil; but there had been a definite disturbance, and there was against him a specific charge; but in the St. Mary's case, how were the men put on their trial? His Learned Friend said they were legally tried; but all the evidence against them was hearsay evidence, some at third hand—such as would not, as he well knew, be received in this country, or in any country where law was known. His Learned Friend had stated, that the whole had been conducted according to law, and that the law had not been violated. With all due respect to his Learned Friend, he would say, that if the law had not been violated, it had been perverted—that justice had been violated, and that, under colour of law, a gross and a violent act of injustice had been committed. The precipitancy with which the St. Mary's trial had been conducted was most indefensible. "I thought it my duty (says Colonel Cox) to insist on the Magistrates trying the Negroes that had been taken, immediately: and to send their trial and sentence express, as it will, in my opinion, be highly important for the safety of the parish, and probably, the island, that they should be executed before Christmas:" —no respite—no breathing time, was allowed between the trial and the execution. There was a necessity, it was supposed, to hasten forward the operation —to proceed with the trial, trusting to a conviction, in order that there might be an execution before Christmas. At St. Mary's the men were put on their trial without many of the formalities resorted to in the other trials, and which, therefore, must have been omitted, not from ignorance, but intentionally, or from mere indifference. The charge was vague and indefinite, and the prisoners were condemned on evidence which would not have been thought sufficient in this country to convict the basest of mankind of the smallest penal offence. Those eight men were sentenced to death, to gratify the headlong impatience and alarm of some of their masters; and to deter others, they were ordered to be executed before Christmas. If the House felt as he knew they must feel, he was sure they would not be satisfied, unless they passed a censure on the judicature that tried them. But if the proceedings of this judicial body were influenced by their apprehensions, that could not be said of the Governor, who was at a distance, and could not be affected by the vain fears which existed among the people of St. Mary's. These fears were local: and if they afforded a justification of the people on the spot, they afforded no justification, no extenuation whatever, of the precipitancy of the Governor. He received the statement of the trial, read the vague charges, compared the evidence, varying and contradictory as it was; he was surrounded by his Council, his Secretary, and his Law Officers, and had access to their opinions. And yet even *he* would give these men no breathing time, would allow them no respite, but by the return of the messenger, dispatched instructions that they should be executed forthwith. There was a similar haste, and a similar irregularity, in the trial of Leon, of St. George's, and similar discrepancies in the evidence of Corberand; for it was on his varying and contradictory evidence the man was capitally convicted. He considered the whole of the proceedings to be a perversion of the

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law, and the convictions to be a gross violation of justice; and if men were placed in a situation where they could be excited by their apprehensions to commit such acts, and where the system was such that they could commit them with impunity, he thought it was so much the more necessary that the House should express a strong opinion on their conduct. If men were placed in a situation in which they might, under the influence of some momentary passion, lend themselves to the commission of irrevocable measures, involving no less than the life and death of individuals, it behoved the House the more strongly to express an opinion which might prevent the recurrence of similar conduct. The House was bound to shew the world, that if justice and mercy were duties, it was no less a duty in those intrusted with power to retain their self-possession and firmness; and it was no less imperiously required of them, not to allow themselves to be led away by a panic or terror, under the influence of which they might shed, or, as in this case, sanction the shedding of innocent blood. He would not think he had done his duty if he had not stated these his reasons for holding that these proceedings ought not to pass without merited reproof. If it were to go out to the West Indies that such proceedings had escaped the censure of Parliament, then the same injustice, the same cruelties, would be committed over and over again with impunity.

Mr. Canning, in rising to state the reasons why he approved of the Amendment, in preference to the original motion, was anxious to have it distinctly understood that he did not yield to any man in the feelings which those proceedings were naturally calculated to excite, and that he differed from the Gentlemen opposite, only because it appeared to him that the question must be decided upon grounds of a more limited nature.—Even upon the Hon. and Learned Gentleman's own shewing, it would be impossible for him consistently to vote for the original Resolution; and why? Because that Resolution condemned the whole of these proceedings by one sweeping affirmation of a perversion of all law and justice; whereas, his speech went in some degree to discriminate the cases from each other. But the Amendment stated what was true, with respect to all the proceedings, viz.:—That Negro life was put to hazard, and Negro blood shed, by a system totally different from that which was applied to white men. In all these proceedings this was to be lamented, and so, with respect to all, the Amendment was strictly correct. If the Resolution of the Honourable and Learned Gentleman had been couched in such words as these,—"That this House, considering the trials in Jamaica in 1823-4, felt it to be its duty to express, in the strongest terms, its sorrow for the manner in which these trials had been conducted, and thought that the system ought to be altered," he would have had no objection to it. But instead of this, in his original Resolution, he proposed, that the House should express its "sorrow and indignation at the perversion of law and justice in the proceedings, and at the precipitation in the execution of a sentence wholly unsupported by evidence." Now, he was not prepared to vote for a resolution containing these assertions. He was not prepared to say, that in these proceedings there was a perversion of law, as usually administered in the Colonies. Undoubtedly, he considered the law as one which ought to be altered; but he was not prepared to affirm that the authorities had perverted the law, such as it was, or that there had been undue precipitation in the execution of the sentence. With respect to the Judges, they had the power to have ordered it without any refereuce to the Governor at all; yet, in point of fact, they had referred the sentence to the Governor. They were acting under an alarm which pervaded the whole of the white populatiou; and yet, they did not avail themselves of the power of ordering immediate execution, but, of their own free will, they referred the sentence to the Governor; so that, with respect to them, the proposition with respect to precipitation was completely negatived. Then, as to the Duke of Manchester, he was the representative of the Crown in that country, and, among other prerogatives, he had the exercise of that of mercy. Now, as a general rule, he said, with respect to the prerogative of mercy, that he could not conceive a more formidable and dangerous example than that which would be furnished by the House interfering to censure the exercise of the prerogative of extending or withholding mercy. The exercise of that prerogative must be left unquestioned, or the prerogative itself must be entirely taken away; for you totally deprive it of its essence when you make it subject to Parliamentary investigation. If

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the Hon. and Learned Gentleman had communicated his resolution to him before it was moved in the House, he would have been happy to suggest such amendments as might have led to an unanimous approhation of it hy the House, instead of drawing up, along with others, another resolution expressive of their views, which was now proposed as an amendment. Nay, he might say, that if the original resolution had not contained propositions which he thought unfounded in fact, he would have preferred voting for it; but, as the matter stood, he thought that the amendment would best satisfy—not all the fcelings which a perusal of these papers naturally and necessarily excited—not all the feelings which might very properly be expressed in communications between man and man—hut that which was most fitting for Parliament to resolve; and this would operate as effectually in the Colonies as a specific censure, while it avoided all the inconveniences with which a censure on the proceedings of a Court of Judicature would be attended. He was particularly anxious to show that there was no difference among them on any other point than an apprehension of the evils that might result from passing a censure upon a judicial and legal proceeding. It was to save that point—to save the public from the danger of such a precedent, that he voted for the amendment in preference to the original resolution. For the precedent might, if once estahlished, ascend from these disgusting trihunals to others of a higher and better description. With whatever disgust, therefore, in a moral point of view, they must look at these proceedings, still, if conducted according to the law of the place, they were not a proper subject for censure in that House. He would not enter into the details of these trials, nor say any thing to blunt the edge of those feelings with which they must be regarded. He only wished to impose this check, not upon the feelings themselves, hut upon that undue and irregular mode of expressing them which the original resolution involved.

Mr. Denman, in reply, said, he had apprized many members, and among others, the Colonial Secretary, of the contents of his resolution. He certainly felt very desirous that any resolution which it was proper to pass upon this subject, should he adopted unanimously; and he was not so much attached to any particular phrases of his own, as to refuse to adopt other words, provided he could do so consistently with his duty, and with that which he helieved the House owed to itself. If he had failed in making the most of his case, his deficiencies had heen supplied by his friends around him; and, if they had left any thing uudone, that deficiency also had been supplied hy the arguments of the gentlemen on the other side; for every gentleman who had spoken on that side, had used expressions as strong, if not stronger, than those contained in his resolution, hut had endeavoured to get rid of the natural effect of them, by a quibhling fallacy. It was said that those trihunals proceeded according to the laws of Jamaica, and it was denied that there was precipitation. Now, he would ask, whether it was the law of Jamaica, that the trial should take place in two days after the apprehension of the supposed offenders?—whether it was the law of Jamaica that they should have the assistance of neither counsel nor witnesses?—whether it was the law of Jamaica that eight men should be executed in one morning, in order that there might he executions before Christmas?—whether it was the law of Jamaica that the wife should he called upon to give evidence against her hushand on a trial for his life? If the law did not absolutely compel them to adopt such a course of proceeding, then there was here a gross perversion of law and justice. His resolution was founded upon this, that, although some form of law had heen preserved, it had heen perverted in principle. It was a perversion of the law to precipitate execution under a sentence resting on proof, upon which no human heings ought to he condemned. It was a perversion of the law to execute eight men in one morning, that there might he executions hefore Christmas. The Attorney-General had said that it was the practice in the Colonies to procced on hearsay evidence, and that he had found, upon inquiry, that such had heen usually received in the trial of slaves. Now, the Common Law of Jamaica was the same as the Common Law of England; and was it the law of England, that persons should be tried and condemned on hear-say evidence? That a wife should he received as a witness against her husband? This was not the law; and, even if it had hecn the law, that would not have justified these disgusting and infamous proceedings. But,

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then, the Attorney-General meets part of the objection in another way, and says that the woman, although she cohabited with the man, might not be his wife: he had made inquiries, he said, to ascertain how the matter stood; but it did not appear that he had got any information, either the one way or the other. But the fact that she was his wife was stated on the record; and if she had not been so, it was not to be supposed that the Judge would not have taken notice of it. It was, therefore, in this case, to be taken that the woman was really the wife of this man, against whom she gave evidence. In these cases, the Common Law had been grossly perverted, and the only reasonable objection to his resolution was, that it did not go far enough—that it did not sufficiently set forth the extent of the violation of law, which had taken place in these infamous proceedings. Then, another point was argued, that the resolution did not discriminate between the several cases. It, however, proceeded upon grounds which were common to them all, as far as respected the perversion of law. Persons were tried and condemned on the testimony of witnesses not sworn, and on hearsay—the wife had been adduced as evidence against her husband—the executions had been indecently precipitated. All these were perversions of law—all of them clearly supported his resolution, and the House would abandon its duty if it adopted any thing short of it. Then, as to the Judges, it was said that they had not been precipitate, and they had almost been praised for not ordering immediate execution, but referring the sentence to the Governor. It was a lame cause which required this sort of bolstering. The Juries were certainly the least blameable, because they had been misled by the Judges. And who was the chief judge in this case? The military commander, who headed the troops which surrounded the Court, who was anxious to have executions before Christmas—who condemned these poor creatures on such unheard-of testimony, and who was said not to have been precipitate, because he did not order instant execution, but referred the sentence to the Governor. Then came the defence of the Governor. It was said, that it would be most dangerous to interfere with the exercise of the prerogative of extending or withholding mercy. But he maintained that it was not a question of mercy, but of justice; for the Governor was bound, in justice, not to have ordered execution in such a case. Suppose a case had come before the Secretary for the Home Department, where persons had been condemned upon evidence clearly bad and insufficient; would he, in such a case, advise execution without further inquiry? And that, too, in order to have execution done, and an example made before a certain day? Then his resolution called for a reform—of what? Not of the law, though that doubtless required it, but of the administration of criminal justice in the island. But, they were told, that the system of law ought to bear all the blame. But, was it to be endured, that public functionaries should thus carry unjust sentences into execution in such a precipitate manner, and that the House should do nothing more than coolly say, that all the blame rested with the system? What was the check upon the administration of the law under such a system? Why, that an English nobleman, having an English education—acquainted with the laws and usages of Parliament, and knowing something of the general feelings and disposition of the English people, stood there like a great sea-mark, not to give effect to the fears of the rabble, but to take care that impartial justice was done to all classes. If he did not act in this manner, he deserved censure, and ought to be censured. The system, such as it was, was still in operation, and it certainly was the more necessary that the judicial proceedings should be strictly watched. Then came the argument of the late Secretary to the Colonies, and he said that this resolution would be a dangerous precedent in other cases. But, was the House prepared to say that it never would inquire into any judicial proceedings, where, although the essence of justice had been violated, the forms had been complied with? What would be said of the case of St. Mary's; what of that of St. George's, in which a person had been condemned and executed, on the evidence of Corberand alone, after the infamy of the witness was manifest? In the trials of Russell and Sydney, the forms of law had been complied with. They had been indicted, tried, and convicted by Juries misled by the Judges. And yet, if their cases were to come before the House, would it be a good ground of argument against a censure upon the Judges who condemned, and the Government who executed, that the mere forms of law had been complied with?

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So neither, in the present case, could a compliance with mere forms protect the Judges and Governor, the former of whom seemed almost to be praised by the other side for not doing all the injustice they could have done. With respect to the system, it was quite impossible it could last long, and he was not very anxious about that part of the resolution. But he was sure, that if such conduct as this had been exhibited in Britain, it would have been visited with the utmost severity; and, if these proceedings in the Colonies were to be suffered to pass unreprobated by that House, they would be laying a foundation for the foulest perversions of justice. He could not, therefore, consent to withdraw his resolution.

The House then divided—

For the original motion, 63—Against it, 103—Majority, 40.

After the division, and while strangers remained excluded, Mr. BROUGHAM, referring to the course and temper of the discussion, suggested the propriety of cutting off the latter part of the amendment relative to the inexpediency of impeaching the verdict of the Court, being all that part which followed the words "the year 1823."

Mr. CANNING assented to the suggestion, and it was agreed *nem. con.* to alter the amendment accordingly.

It then stood thus:—

Resolved, *nemine contradicente*:—"That this House sees, in the proceedings which have been brought under its consideration, with respect to the late trials of slaves in Jamaica, further proof of the evils inseparably attendant upon a state of Slavery; and derives therefrom increased conviction of the propriety of the resolutions passed by this House on the 15th of May, 1823."

This, and all other publications of the Society, may be had at their office, 18, Aldermanbury; or at Messrs. Hatchards, 187, Piccadilly, and Arch's, Cornhill. They may also be procured through any bookseller, or at the depots of the Anti-Slavery Society throughout the kingdom.

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The following Publications, among many others, may be procured as above.

NEGRO SLAVERY; or, a View of some of the prominent Features of the State of Society, as it exists in the United States, and in the Colonies of the West Indies, especially in Jamaica.

AN APPEAL to the Religion, Justice, and Humanity of the Inhabitants of the British Empire, in behalf of the Negro Slaves in the West Indies. By WILLIAM WILBERFORCE, Esq. M. P.

The SLAVERY of the BRITISH WEST INDIA COLONIES Delineated, as it exists both in Law and Practice, and compared with the Slavery of other Countries, Ancient and Modern. By JAMES STEPHEN, Esq.

THE SLAVE COLONIES OF GREAT BRITAIN; or, A PICTURE OF NEGRO SLAVERY, DRAWN by the COLONISTS themselves; being an Abstract of the various Papers RECENTLY laid before Parliament on that Subject.

THE ARGUMENT,—"That the COLONIAL SLAVES are better off than the BRITISH PEASANTRY," Answered by THOMAS CLARKSON, M. A.

ENGLAND ENSLAVED by her OWN COLONIES; an Address to the Electors of Great Britain. By JAMES STEPHEN, Esq.

FIRST, SECOND, and THIRD REPORT of the Anti-Slavery Society.

The IMPOLICY of SLAVERY Illustrated.

A REVIEW of some of the ARGUMENTS which are commonly advanced AGAINST PARLIAMENTARY INTERFERENCE in Behalf of the Negro Slaves, with a Statement of Opinions which have been expressed on that subject by many of our most distinguished Statesmen, including Earl Grey, Earl of Liverpool, Lord Grenville, Lord Dudley and Ward, Lord Melville, Mr. Burke, Mr. Pitt, Mr. Fox, &c. &c. &c. 2d Edition. 1s.

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THOUGHTS on the NECESSITY of IMPROVING the CONDITION of the SLAVES in the British Colonies, with a View to their ULTIMATE EMANCIPATION; and on the Practicability, the Safety, and the Advantages of the latter measure. By T. CLARKSON, Esq. 1823. Price 2s.

EAST and WEST INDIA SUGAR; or, a Refutation of the Claims of the West India Colonies to a protecting Duty on East India Sugars. Price 3s.

Printed by S. BAGSTER, Jun. Printer and Stereotype Founder, 14, Bartholomew Close, London.

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London, 18, *Aldermanbury*, *April* 30, 1826.

No. 11.

ANTI-SLAVERY MONTHLY REPORTER.

The "ANTI-SLAVERY MONTHLY REPORTER" will be ready for delivery on the last day of every month. Copies will be forwarded, at the request of any Anti-Slavery Society, at the rate of four shillings per hundred, when not exceeding half a sheet, and in proportion, when it exceeds that quantity. All persons wishing to receive a regular supply are requested to make application to the Secretary, at the Society's office, No. 18, Aldermanbury, and mention the conveyance by which they may be most conveniently sent.

THE PROGRESS OF COLONIAL REFORM;

Being a Brief View of the real Advance made since the 15th of May, 1823, in carrying into effect the Recommendations of His Majesty, the unanimous Resolutions of Parliament, and the universal Prayer of the Nation, with respect to Negro Slavery.—Drawn from the Parliamentary Papers which have appeared prior to the 10th of April, 1826.

ON the 15th of May, 1823, the House of Commons resolved, on the motion of Mr. Canning, "to adopt effectual and decisive measures for meliorating the condition of the Slave population in his Majesty's Colonies;" and expressed its hope that "through a determined and persevering, but judicious and temperate enforcement of such measures," the slaves might be prepared, "for a participation in those civil rights and privileges which are enjoyed by other classes of His Majesty's subjects;" "at the earliest period compatible with the well-being of the Slaves, the safety of the Colonies, and a fair and equitable consideration of the interests of all parties concerned therein."

In pursuance of this resolution, His Majesty's Government proposed to introduce into all the Slave Colonies the following reforms: viz.

1. To provide the means of religious instruction and Christian education for the Slave population.

2. To put an end to markets and to labour on the Sunday, and to appropriate that day entirely to rest and recreation, and to religious worship and instruction; and instead of Sunday, which had hitherto been the day on which, in most of the Colonies, the Slaves had cultivated their provision grounds, to allow them equivalent time on other days for that purpose.

3. To admit the testimony of Slaves in courts of justice.

4. To legalize the marriages of Slaves, and to protect them in the enjoyment of their connubial rights.

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5. To protect the Slaves by law in the acquisition and possession of property, and in its transmission by bequest, or otherwise.

6. To remove all the existing obstructions to manumission, and to grant to the Slave the power of redeeming himself, and his wife and children, at a fair appraisement.

7. To prevent the separation of families by sale, or otherwise.

8. To prevent the seizure and sale of Slaves detached from the estate or plantation to which they belong.

9. To restrain generally the power, and to prevent the abuse, of arbitrary punishment at the will of the master.

10. To abolish the degrading corporal punishment of females.

11. To abolish the use of the driving-whip in the field, either as an emblem of authority, or as a stimulus to labour.

12. To establish Savings' Banks for the use of the Slaves.

Besides these important changes, as to the propriety of which, little difference of opinion has appeared to exist in this country, and even the West-Indian body have generally concurred,* there were two other points which formed the subject of much discussion, and to the expediency of which it was understood that His Majesty's Government assented.

One of these respected the question of relieving Negroes and persons of colour, from the operation of that unjust principle of Colonial law, which subjects them to be dealt with as Slaves, unless they shall be able to establish, by legal proof, their right to freedom. The other respected the policy of not permitting future governors, or judges, or attorneys-general, or fiscals, or religious instructors, in the Slave Colonies, to be holders of property in Slaves.†

The views which were taken of the condition of the Slave population by His Majesty's Ministers, and by the Anti-Slavery Society, may possibly have differed in some respects, and the former may have been led to think more favourably of it than the latter. But, thus far they were agreed; that that condition was such as to require those sweeping reforms which the above propositions involved, and which virtually conceded to the abolitionists the substance of their case. It was clearly impossible to maintain that such reforms were called for in our Slave Colonies, without admitting that the state of society existing there was at war with every acknowledged principle of natural equity, of common humanity, or of British constitutional law, and with the whole spirit and genius of the Christian religion, and that therefore the most prompt remedial measures were called for.

His Majesty's Government appeared to have felt so strongly the force of this necessary inference from the facts of the case, that a fortnight was not suffered to elapse, after the resolution of the 15th of May, 1823, had been adopted, before brief instructions were sent to

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* Lord Bathurst affirms repeatedly, in his dispatches to the Colonial governors, that the measures he was anxious the legislatures should adopt, had "in almost every instance, been recommended by the principal planters resident in this country."

† See substance of the debate in the House of Commons, 15th May, 1823. Preface xxvi—xxxiii.

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the governors of the different Slave Colonies, to have it forthwith carried into effect; and these were followed, in a few weeks, by further instructions still more ample and peremptory, to the same purport.* The abolitionists are accused of impatience, because they complain of the delay of three years which has already taken place, and of the much greater delay which, on the present plan of proceeding, is likely to take place before the proposed work of reform shall have even effectually commenced. But what was the language of Lord Bathurst, His Majesty's Secretary of State, as early as the 9th of July, 1823, in conveying to the Colonial governors His Majesty's commands?—"I have most earnestly to impress upon you," says his lordship, in his circular letter of that date, "the NECESSITY *of proceeding to carry these improvements into effect, not only* WITH ALL POSSIBLE DISPATCH, *but in the spirit of perfect and cordial co-operation with the efforts of His Majesty's Government.*" "If you should meet with any serious opposition, you will lose no time in transmitting to me the necessary communication, *in order that I may take the* EARLIEST *opportunity of laying the matter before Parliament, and submitting for their consideration such measures as it may be fit to adopt in consequence.*"

It may be inferred from the language of this dispatch, as well as from that which His Majesty's Ministers held in parliament, that at this time they were not fully aware of the real state of things in the West Indies, or of the general temper and feeling of the Colonists; and that they relied on a ready compliance with requisitions so reasonable and moderate in themselves, and so consonant to the universal sentiment of the British parliament and public. They were in vain warned, by persons who assumed to be better informed upon this point, that they had embarked in a hopeless undertaking; that the Colonists would prove inflexible by any recommendations which could be addressed to them, or, indeed, by any considerations short of authoritative interference, on the part of the Government, and of Parliament; and that the course it was determined to adopt, must end in delay and disappointment, if not in insurrection, and all its concomitant evils.

Even in those Colonies in which (having no local legislatures) the King alone possessed the power of framing laws, it was deemed right not to issue the requisite orders on the subject, but to submit the propriety of adopting the proposed changes to the Colonial authorities, and to await their decision. The result was such as those who knew them best had fully expected. The clamour against improvement was no less loud, the resistance to the Royal recommendations no less unqualified, in the Colonies subject to the Crown, than in those possessing assemblies of their own. The universality of this opposition on the part of the Colonists, the occurrence of tumult in Demerara, the fabricated plots in Jamaica, and the bullying remonstrances which burst concurrently from every part of the West Indies, appear to have had no inconsiderable effect on the measures of His Majesty's Ministers. Instead of coming down to Parliament to complain that the recommendations of His Majesty had not been carried into effect "with all pos-

* See for these instructions, the Society's Second Report, Appendix D.

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sible dispatch," and "in a spirit of perfect and cordial co-operation with His Majesty's Government," and to ask for further counsel, they determined on delay; in the hope that when the existing irritation had subsided, the Colonists would be induced to act from a sense of what was due to the dignity of the Crown and the authority of Parliament, and to the recognized claims of humanity and justice. The single measure, to which, in the second year, they limited themselves, was to embody their plan of reform in an Order of Council, which should take immediate effect in the island of Trinidad, and be presented to the other Colonies as the model of their legislation. This expedient has proved equally abortive with that which was first resorted to; and, at the end of three years, the work of reformation which Lord Bathurst so properly and so peremptorily required should be proceeded in with all possible dispatch, has, as yet, scarcely commenced in any of the Colonies, excepting Trinidad; and even there it was found impossible to induce the Colonists to pursue it in the required spirit of perfect and cordial co-operation with His Majesty's Government. It became necessary to resort to compulsion, as affording the only means of carrying their plans into effect. No discretion was allowed to the local authorities. The Order in Council was imposed and enforced by the peremptory mandate of the Sovereign. Trinidad, therefore, is the only Colony where the proposed reforms have been carried into any thing like effect; and even there they have had to encounter from the first, and they are still encountering the decided and avowed hostility of the whole White Population.*

As the Trinidad Order has been exhibited to all the Colonies, as the model to which they are to assimilate their Slave codes, it is important exactly to ascertain the degree in which it may be considered to have successfully embodied the various reforms, which were originally contemplated by Ministers, as the first step in their progress towards the final emancipation of the Slaves. To this end it will be necessary to take in succession the different points mentioned above, and to show how far they have been effectively provided for by the Order in Council.

1. The Order speaks of some future time, when effectual provision shall be made for the religious instruction of the Slaves; but it contains itself no regulation whatever either for the instruction of adults, or the education of children.

2. It is not until the effectual provision, thus indefinitely spoken of, shall have been made, that Sunday markets are to cease; and, meanwhile, they are to be held only before ten in the morning of Sunday. The master is at the same time forbidden, except in the case of domestics, cattle-keepers, &c. to compel his Slaves to labour for his benefit on the Sunday; and whatever necessary labour the Slaves may be induced voluntarily to perform for him, on that day, is to be paid for at fixed rates of wages. The Order therefore does not prohibit Sunday markets, except prospectively, and when religious instruction shall have

* See the Parliamentary Papers, passim, under the head Trinidad; the Society's Second Report, p. 1—7; and the Slave Colonies of Great Britain, p. 80. It is the second edition of this last work, which is quoted throughout.

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such Slave shall make a consistent statementof the circumstances, then the owner or manager shall be bound to prove either that the punishment was not inflicted by him or with his consent, or that it was a lawful punishment and was lawfully inflicted; and in default of such proof, shall be adjudged guilty of the offence imputed to him.

It is one of the evils of the system of Slavery, that the British Government should thus feel itself compelled to regulate the manner in which private caprice may inflict the torture of the cart whip on the bodies of human beings, without even defining the offence for which it is to be inflicted. It is impossible that a system can long be maintained which is considered to impose on that Government the painful necessity of placing so tremendous a discretion as that of inflicting on a fellow subject twenty-five lacerations of such an instrument, in the hands of an individual, whatever be that individual's character, who may thus combine in his own person the offices of accuser, jury, and judge, and if he will, executioner also. This is, indeed, a dire necessity, the ground of which ought to be anxiously considered by the Government and Parliament of this country, under a sense of the weighty responsibility which is attached to the rash delegation of such a power.

But not to dwell on this painful part of the subject, it seems important to remark, before closing the observations on this head, that the record of punishments is confined to *plantations*. The number of *personal* Slaves, however, in Trinidad, that is to say, of Slaves not attached to plantations, is considerable. *Their* owners are exempted from all the controul arising from the necessity of keeping and returning a record of the punishments they inflict, and from the formalities with which, in the case of plantations, those punishments must be accompanied. But is this exemption either expedient or just? Are a third or a fourth part of the Slaves in Trinidad to be thus abandoned to the tender mercies of their owners, without even that degree of protection which this part of the Order in Council affords to the remainder? Jobbing gangs, the Slaves of mechanics of various classes, and domestics, are all thus left out of the pale of this beneficial restraint on the arbitrary power of the master, while they are subjected to the immense disadvantage of being more under his eye, and therefore more exposed to the effects of his passion and caprice, than the others. Why should not the infliction of punishment in these cases be taken out of the hands of the master, and placed in the hands of the magistrate? It cannot be deemed right that it should remain on its present footing.

10. The entire abolition of the degrading and indecent corporal punishment of female Slaves, which is secured by the Trinidad Order in Council, must be hailed as a great improvement.

11. The abolition of the driving whip is another most important improvement. It would be well, however, if we were informed what is the precise substitute now practically adopted for that powerful stimulus, which the Planters of Trinidad have declared to be so indispensable as to be, in fact, identified with the very existence of Slavery. It is no question of idle curiosity to ascertain this point. It would, therefore, confer an essential service on humanity, if those who deny that the Negroes will work from any other motive than coercion would inform

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the public what are the precise means, which, in the absence of the driving whip, and without the temptation of wages, have procured from the Slaves in Trinidad, during the year 1825, the quantity of labour which they have yielded to their owners. It would be important to know the whole process of this extraction; the nature and extent of the task; the criterion of its fairness; the penalty annexed to its non-performance; the advantage accruing from its speedy and correct execution; the proportion which the defaulters bear from day to day to the whole gang, with various other problems connected with the subject.

12. The establishment of Savings' Banks, under proper regulations, cannot be too highly applauded.

On the question of the effect, on the freedom of an individual, of his inability to establish his right to it by evidence, nothing is said in the Order for Trinidad; nor was it necessary: the registry act which is in force there, has settled that point in favour of freedom.

The Trinidad Order likewise recognizes the important principle that a man is disqualified for the office of protector and guardian of Slaves by being himself a planter. But while this principle is recognized, it is much to be regretted that its application should have been so limited as to divest it of much of its utility. It is true, that the protector and guardian of Slaves in Trinidad is prohibited from owning, or from being concerned in managing, a plantation cultivated by Slaves, in that island; but then he is not debarred from being the owner of plantations, and plantation Slaves, in every other Colony in the Antilles. He may be more deeply interested, in the maintenance of the Slave system with all its evils, than any planter in the island; and yet merely because his estates are not locally situated within its limits, they constitute no disqualification for an office, which, of all others, requires to be filled by an impartial and disinterested functionary. Nor this is all. Though he may not possess a plantation, worked by Slaves, in Trinidad itself, he may, nevertheless, not only possess plantations worked by Slaves in other Colonies, but be a master of Slaves within that Colony to almost any extent. He may be the owner of a jobbing gang; he may possess numerous mechanics; his domestic establishment may be filled wholly by Slaves; and though not a *proprietor* of estates within the island, he may, for a number of years, have been a manager of the estates of others, until he has become imbued with the worst prejudices of the system;—but none of these circumstances, nor all of them together, will form a ground of disqualification for this important office.

It may be argued, that without the liberty of holding domestic Slaves, it is impossible to live with comfort in the West Indies. But there is no Colony in the West Indies where domestics of free condition may not be obtained for hire, and in Trinidad especially, where there are 15,000 free Blacks and persons of Colour, the argument is preposterous. But, independently of this circumstance, so long as this country continues to garrison its Colonies with European soldiers, it is absurd to maintain that the requisite number of European domestics may not also be procured by public functionaries. By such a course, a part, however small, of the excess of our population at home would find beneficial employment, while the safety of the Slave Colonies would be promoted

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been provided for the Slaves; and yet it institutes no means whatever of such instruction. It further leaves the very important question of the Sunday labour of the Slave, in his provision grounds, for his own sustenance, wholly untouched. It has been most justly assumed by His Majesty's Ministers, as an undeniable position, that Sunday must be considered as a day belonging to the Slave: and this position has been clearly laid down by Lord Bathurst, in one of his dispatches to the governor of Trinidad. A question had been put to him by the planters of that island, as to their right of *compelling* lazy and turbulent negroes to work their grounds on Sunday, "as had," they say, "been the practice hitherto." His Lordship tells them that they are prohibited from using compulsion in this case, because they are entitled only to six days labour of the Slave in the week; and out of the profits of these six days, the Slave must be supported. The master, therefore, can have no possible claim for the services of his Slave on the Sunday, either on his account, or with a view to the sustenance of the Slave. And for the time during the week which he may appropriate to his Slaves for their provision grounds, he can have no claim to compensation; as the arrangement of allowing them land, and sufficient time for cultivating it, is adopted, adds his Lordship, in order to supersede the necessity of purchasing provisions for them.*

This view of the subject is clear and intelligible; and the fair inference to be drawn from it is that the Sunday should be given wholly up to the Slave, while, to use Mr. Canning's language, *equivalent* time should be secured to him on other days, for cultivating his provision grounds. But this equivalent time has not been assigned to him in the Trinidad Order in Council.

It had hitherto been the practice in Trinidad, and indeed in all Colonies that pursued the plan, which is there pursued, of making the Slaves support themselves by the cultivation of their provision grounds, to allot the Sunday and a certain portion of time besides, varying from 16 to 26 days, for that purpose; the master assuming a right of compelling the slave so to employ not only those week-days, but the Sundays also; and it being often a part of the ordinary duty of the inferior overseers on plantations to visit the negro grounds on Sunday, in order to ascertain and report which of the Slaves were engaged there, and which were not. What precise number of days, besides Sundays, were allowed to the Slaves in Trinidad, for the purpose of raising their own provisions, is no where specified. Had the Spanish law been adhered to, as it ought to have been, the Slaves would then have had 52 week days and 30 holidays, besides the Sunday; which they might have called their own, and which they might have employed in raising food, and in acquiring the means of effecting their own or their children's manumission.† This merciful law, however, has not been enforced under the English government; and it is believed that the number of week days in the year, allowed to the Slave, has at no time exceeded 26, if it has even amounted to so many. If this apprehension be erroneous,

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* See Slave Colonies of Great Britain, p. 81.

† See for proof the Society's Second Report, Appendix A, p. 72 and 77.

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it will be easy to correct it by producing the law of Trinidad on the subject.

What then is the situation in which the Trinidad Slave is placed by the Order in Council? The Sunday ceases to be a day of compulsory labour: Lord Bathurst justly affirms the right of the Slave to its absolute and undisturbed enjoyment; and yet no provision whatever is made by this Order for giving him equivalent time in lieu of it. The Slave, it will, perhaps, be said, may still work his ground as formerly on the Sunday. Without doubt he may. But was this the intention of His Majesty's Government, or of Parliament? Was it not intended, *bona fide*, that the *Sabbath* should be what its name designates—a day of rest, as well as of religious worship, to the Slave? And let the fact be supposed that the clergymen, or missionaries, who visit Trinidad, should succeed in conveying to any considerable number of Slaves proper impressions of the sanctity of the Sunday, and of the duty of devoting it to purposes of religious worship and instruction, would not the effect necessarily be that such Christian Slaves would at once have the pittance of time applicable to their own purposes. (at least, which they could conscientiously thus apply,) reduced from 78 in the year to 26. Seventy-eight week days in the year, however, is obviously the smallest number which, if the supposition that has been made respecting the practice which had hitherto prevailed in Trinidad be correct, can in justice be appropriated to the Slaves for their own use. They will otherwise be placed in a worse situation than before, as to time for cultivating their grounds. The Order in Council specifies no time which is to be secured to them, but leaves them either to the possession of the number of days, whatever it be, which, in addition to the Sunday they had hitherto been allowed, or to the tender mercies of their master for an increase.

The continuance of the Sunday market, even till ten o'clock, is, without doubt, greatly to be deplored, whether it be regarded as a voluntary and unnecessary desecration of that day, by the supreme authority of the state, or as a mere question of policy. The Government clearly possessed the power at once to put an end to this immoral and irreligious practice, and no good reason has been assigned for their not putting an end to it. The limitation of the market also to ten o'clock, while it does not save the day from desecration, imposes peculiar hardships on the Slaves. Many of them have to travel ten, fifteen, and twenty miles, with their loads for sale. In what way is it possible for them to attend the market, and to effect their sales, and to make their purchases, before ten o'clock, without sacrificing a night's rest, after a week of labour, in order to reach the Sunday market in due time? The regulation is therefore a cruel one to the Slaves, if it were possible to observe it; and if the Sunday markets are still to be continued, it can only be wished that the regulation may not be enforced.

The reason for this most objectionable prolongation of the practice of Sunday markets, is said to be an apprehension lest, until religious instruction shall have been provided, the Slaves should abuse the day to purposes of riot and licentiousness. But how is this effect to be obviated by fixing the market on Sunday, and above all by the limitation of that market to ten o'clock? On the contrary, is not this arrangement more

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likely than any other to produce the effect which it proposes to avoid? The slaves are drawn together in great crowds, from distant parts of the country, at an early hour on the morning of Sunday; and after a fatiguing walk, the length of which they must again retrace before they reach their homes, and with the money obtained by marketing in their pockets, are they not much more likely to be tempted to spend a part of the day idly and dissolutely, and, perhaps, after getting drunk, to unite for purposes of disorder, than if they had been induced, as they would have been had not the market drawn them to town, to remain quietly at home, to repose themselves after the labours of the week, or to attend to their grounds or to other domestic occupations? It is an arrangement therefore both impolitic in itself, and most injurious to the slave.

The abolition of Sunday markets is made, by the Order in Council, to depend on a very vaguely defined, and most dubious contingency; namely, the making effectual provision for the religious instruction of the Slaves. Until that is provided, much, it is true, may be said for not interfering to prevent their labouring moderately in their gardens, or grounds, on that day; but no good reason can be assigned for continuing on that account the Sunday market.

It is chiefly, however, when the effect of this part of the Order in Council for Trinidad, upon the conduct and feelings of the other Colonies, is contemplated, that its regulations are to be deplored. It is exhibited to them as an *example;* but they do not find in it the proof of any high regard for the sanctity of the Sabbath; on the contrary, Sunday markets are, for a time, expressly sanctioned by it. It contains no provision for giving to the Slave equivalent time in lieu of Sunday, though it forbids his compulsory labour, even on his own grounds, on that day. It, moreover, does not contain a single regulation requiring or enforcing the religious instruction, or Christian education, of the Slaves, in any degree however limited. To those also who are adverse to the abolition of the Sunday markets, being the great majority of the resident planters, it actually holds out an inducement to abstain from providing that religious instruction, on the existence of which the abolition of them is made to depend. Can it then be any subject of surprise, that with this example before them, only one of the Colonies should have abolished the Sunday market? In the unfortunate laxity of their model, do they not find a sufficient apology, at least, for delay? Would it not be unreasonable to blame them for not being in advance of the wishes of Government, as those wishes are to be traced in its own acts? Before improvement in these important respects is to be looked for in any of the Colonies, there must be a revision and correction of those clauses of the Trinidad Order which bear on this subject. Their malign influence on the progress of reform, in the other Colonies, is too plainly visible to be denied. Notwithstanding the appointment of bishops and archdeacons, and additional clergymen, only one Colony, throughout the whole range of the Antilles, has abolished the Sunday market. And, even in the two Colonies, which are the immediate residence of the Bishops, no measures have yet been adopted for abolishing it.

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3. The next head, in the list of proposed reforms, is the admission of the evidence of Slaves in courts of justice. When the council of Trinidad were asked what was the state of the existing law on this point, in that particular colony, they replied, in their minute of the 9th July, 1823, that the evidence of Slaves was now received there quantum valeat; and to this rule they do not state any exception. Now, if this be a correct account of the matter, and it does not appear to have been disputed, then the condition of the Slave, in respect of his admissibility as a witness, seems to be deteriorated instead of being improved by the Order in Council. For though it be true that the Order in Council has declared that "nothing therein contained shall extend to take away or diminish any power or authority which any court of criminal jurisdiction now hath to admit, in any case, the evidence of persons being in a state of slavery;" yet it seems difficult to conceive, that the special regulations respecting the admission of the evidence of slaves, introduced into the Order, were intended to have no operation whatever. It is there ordained, that any slave, whom any clergyman, priest, or religious teacher shall certify to understand the nature of an oath, shall be recorded as entitled to give evidence in courts of justice, in all cases civil or criminal, excepting in civil suits where the master is concerned, or in trials affecting the life of a *white* man. Is it not fair to ask, Did these exceptions exist under the old law of Trinidad? If they did not, then a positive injury is inflicted on the Slave by this (so called) amelioration. But it may be said, that these exceptions were not intended to operate in Trinidad, to the prejudice of the Slaves of that island, whose rights have been reserved by a saving clause in the Order, but were inserted in order to furnish a convenient exemplification of the provisions, on the subject of Slave evidence, which it was desired that the other Colonies should adopt. Even on this ground, each of the proposed exceptions is liable to some formidable objections.

In the first place, with respect to the non-admissibility of the evidence of Slaves in those civil suits in which their master may happen to be concerned; it is not denied that a Slave may be liable to a strong bias in favour of his master in cases of disputed property between him and third parties. Neither is it denied, that where an action of debt or trespass is brought by a Slave against his master, a species of suit which the Trinidad Order legalizes, the evidence of his fellow Slaves ought to be received with great caution, whether it be for or against the claim. But to shut out that evidence entirely, instead of leaving the question of its competency or credibility to be decided by the proper tribunal, seems to be a rule of very dubious import.

Another of the exceptions, however, is of a still more objectionable nature, namely, that which renders the evidence of Slaves inadmissible in trials affecting the life of a *White* man. Why, the *White* man, in particular, should be protected against the evidence of Slaves is not explained. If it be on the ground of his freedom, or of his proprietorship, these are grounds which apply with as much, if not more strength, and especially in Trinidad, to the Brown and to the Black who are free, and who are proprietors of Slaves, than it does to the White class. Throughout the West Indies, the judges and jurors, at present, are all

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White, and the White class, therefore, possesses, in this very circumstance, a peculiar guarantee against the evil effects which are to be apprehended from the admission of the evidence of Slaves on the trial of free persons accused of capital offences. If any class of proprietors could be regarded as more endangered than another, by admitting the evidence of Slaves in such cases, it would be the Black and the Brown classes, who are at present wholly excluded, in all the colonies, from a seat either on the bench or in the jury-box.

But this novel principle of legislation is liable to a still more formidable objection. The cruelties, mayhems, mutilations, and murders, which have taken place from time to time in the Slave Colonies, have been chiefly perpetrated by *White* men. The very strong feeling which has been excited in this country, in favour of the admission of the evidence of Slaves, has arisen from an anxious desire and hope of thereby guarding against the recurrence of these evils. The exception in question puts an extinguisher on that natural and reasonable hope, for it tends to confer impunity on the very parties whom it was desired, by the admission of Slave evidence, to restrain. A White man, under the operation of this exception, might safely murder his Slave, though a hundred or a thousand other Slaves were present. And by the peculiar construction of the Trinidad Order, a temptation seems actually held out to him, (of course undesignedly and through mere inadvertence) to do so in certain supposable cases. If, for example, a White man should be accused of cruelty to a Slave, Slaves may testify against him and convict him. If the same man should be convicted, as he may also be on Slave evidence, of a second offence of the same description, he would be condemned to the forfeiture of all his Slaves, and rendered incapable of ever holding such property, or being entrusted with the management of it. Is it not a possible case, that to avoid this ruinous result, he should be tempted to kill the maimed Slave outright? He would then be secure from conviction, if no free persons were present, although the whole of the Slave gang should have witnessed the murder.

It is the more extraordinary that this particular exception should have been admitted into the Trinidad Order, because, in almost every instance where the West India Legislatures have themselves chosen to relax, in any degree, their stern exclusion of the evidence of Slaves, it has included those capital cases in which the Trinidad Order has rendered their evidence inadmissible. In Tobago, for example, the evidence of Slaves has been admitted, against free persons, without exception, in one case and one case only, and that is on their trial for the mayhem or murder of a Slave. In the latest Grenada Act the evidence of Slaves is also admitted against all free persons, but only when they are tried for capital crimes; and the abortive Bill of the Jamaica Legislature limited the admissibility of Slave evidence to capital offences. The Planters themselves in these islands must have perceived the groundlessness of those apprehensions which have led the Government to introduce so dangerous an exception into the Trinidad Order.

But there is a third exception, which has not yet been noticed, namely, that which requires the certificate of a clergyman or religious teacher, in order to entitle the Slave to be heard in evidence in any case,

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civil or criminal. Ought such a certificate to be required? Was it required under the Spanish Slave Code? Was it required in Trinidad under the old law? Is it now required in Cuba or Porto Rico? Has it ever been required under the operation of the civil law, in the Colonies planted by Holland? Is it now required of any one of our numerous subjects in Hindostan or in Africa, whatever be the gross and revolting form of idolatry which they practise, or the ignorance in which they are sunk? What could be more decisive than the language which was held, during a late discussion in the House of Commons, by Mr. Peel on this subject? He is reported to have said, that there was one topic above all others, upon which he could not avoid expressing a decided opinion—the qualification of Slaves to give evidence in a court of justice. Of that he would say, that he hoped not one year, no, not even a single session would pass by, without the enactment of some regulation on the subject. For, who were the persons to whom that evidence was to be offered? Why, they were the Whites. Could it be said then, that those who were to judge of the value of such evidence were unreasonably prejudiced in favour of the Black population? Quite the contrary. What he wanted was, that the responsibility of rejecting a Black man's evidence should rest, not on the law, but on some known tribunal. Such a measure would be the first step to invest him with those rights which that House considered it right to bestow upon him. And if they were resolved to carry their intentions into execution, and raise the Black population to the rank of human beings, he could not understand any reason why they should delay giving effect to their views, upon this subject, for a single moment. The Slave would be liable to be summoned just in the same manner as an ideot might be in this country; and it would lie with the jury to determine, when he appeared before them, whether his testimony should or should not be believed. For his part, he could not conceive a mind, even the most deeply imbued with West Indian prejudices, who could see any danger likely to accrue, to the life or property of the White man, by investing the Slaves with such a privilege.

Such is in substance the language which Mr. Peel is reported to have held on the 1st of March, 1826. The language is worthy of his enlarged and liberal mind; and it is most ardently to be desired, that the principle which it maintains may form the basis of all future legislation on this subject, whether by the British Parliament, or by the Colonial Assemblies.

4. The fourth measure of reform proposed to be adopted, was to legalize the marriage of Slaves. This object appears to be effectually accomplished by the Trinidad Order, as far as regards the intermarriage of Slaves with each other—but no provision is made for legalizing the intermarriage of Slaves with free persons.

5. By the Trinidad Order, the Slave is protected in the acquisition, possession, and transmission of property, and is empowered to hold land as well as every other species of property, whether real or personal. This is, without doubt, a most important enactment, and fraught with the most beneficial consequences, provided the equivalent time to which the Slave is entitled, in lieu of the Sunday, is fairly and effectually secured to him; and provided also his industry is relieved from the

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cruel restrictions under which the law of Trinidad, in common with the law of every other Slave Colony in the British empire, has placed it. By that law the Slave is prohibited, under severe penalties, from cultivating or selling any of the staple productions of the island,—any articles, in short, of exportable produce. It is perfectly obvious, that under the operation of this law, if it is allowed to remain in force, (and Lord Bathurst himself admits it to be now in force*) the new regulation, liberal as it is in its terms, which gives to the Slave the power of holding land and of acquiring other property, is deprived of a great part of its value and efficiency, while a powerful motive to industrious effort, on the part of the Slave, is most unjustly withheld from him. At least, this principle of unqualified exclusion, which is now exercised towards the Slaves, throughout the Colonies, with respect to the liberty of cultivating or selling any articles of exportable produce, surely might, without prejudice to the interests of their immediate owner, admit of very extensive modifications.

6. The next point respects the removing of all obstructions to manumission, and the empowering of the Slave to effect the redemption of himself, and of other members of his family, at a fair appraisement. Upon this vital point, the provisions of the Trinidad Order, are, as far as they go, full and effective. They enable the Slave, if he has the means of paying the appraised value, to compel the liberation of himself, of his wife, or of his child. The beneficial effect of this regulation, however, would be greatly promoted, if it were combined with that admirable principle of the Spanish Colonial Code, which enables a Slave to purchase his freedom by instalments, and if measures were also at once taken for fixing, by anticipation, the maximum of price, which could be required for the different classes of Slaves, according to their age, sex, and acquirements.†

7. It was understood that the separation of families by sale, would be entirely prevented by the Trinidad Order.‡ This separation, however, is there prohibited only in the case of *judicial* sales. On what principle it is that the power of separating by sale, or otherwise, husband and wife, parents and children, which is denied to courts of justice, should be continued to the private owner, is not very obvious. On the contrary, it seems to be still more imperatively requisite to restrain the exercise of this cruel power, in the case of private individuals, than even in that of courts of justice. The latter are only occasionally called to interfere in such sales. The former enjoy, and may exercise the power at any time, when interest or inclination may prompt them to use it. There is no restraint on their sales or bequests; and the very threat of a separate sale by the owner may paralyze every exertion of industry in the Slave.

Neither by the Spanish nor by the Portuguese law can the husband

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* See the Slave Colonies of Great Britain, p. 82.

† See on this subject the Society's Second Report, p. 77—79, and a communication from Mr. Kilbee, the British Commissioner at the Havannah, to Mr. Canning, printed in the Parliamentary Paper, respecting the Slave Trade in 1825. Mr. Kilbee's Report will be found at the end of the Tract, entitled Negro Slavery, No. XV.

‡ See Mr. Canning's Speech on 16th March 1816.

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and wife be separated, on any account whatever, except for crime. So jealous is the Spanish law especially, on this point, that it even enacts, (as may be seen in the Cedula of 31st May, 1789,) that "Slaves are not to be hindered from marrying with the Slaves of other masters;—in which case, if the estates are distant from one another, so that the new married couple cannot fulfil the object of marriage, the wife shall follow her husband, whose master shall buy her at a fair valuation, (by appraisers,) and if the master of the husband does not agree to the purchase, the master of the wife shall have the same facility." The same principle is made to regulate the sale of husband and wife residing on neighbouring estates, but belonging to different owners.

How far short of these regulations the Trinidad Order falls, which merely forbids the separation of husband and wife and children by *judicial* sale, it is unnecessary to point out.

The Trinidad Order further provides, that not only the husband and wife and children, but the *reputed* husband and wife and children shall not be separated by judicial sale. This provision seems to render it indispensable, that some subsidiary regulations should be forthwith adopted for ascertaining and recording these relations by repute, and for giving them a legal sanction; otherwise extreme confusion must, in no long time, necessarily arise in carrying into effect the existing law. Such a measure might, moreover, be rendered eminently useful in putting an easy termination to the unlawful and injurious practice of polygamy in all our Colonies.

8. The eighth head of reform proposes to prevent the seizure and sale of Slaves detached from the estate or plantation to which they belong. The Order in Council for Trinidad does not contain any provision to this effect, nor has such been adopted by any of the other Colonies.

9. The Trinidad Order contains some judicious regulations for restraining the abuse of that arbitrary power of corporal punishment, at the will of the master, which is still left to him. It limits the number of lashes which he can inflict on a male Slave at one time, and for one offence, to twenty-five, and no fresh punishment can be inflicted until former lacerations are completely healed. It requires that twenty-four hours should elapse, after an offence has been committed, before it can be punished; and when punishment is inflicted, it must be in the presence of a competent witness, besides the person by whose authority it is inflicted. It further requires that, on all plantations, a record should be kept specifying the crime which has been committed, and the kind and extent of punishment which has been inflicted; this record to be signed by the parties present, and copies of it to be regularly transmitted, certified on oath, to the Governor, and by him to the Secretary of State. The above regulations apply only to punishments which exceed three lashes; but it is not said how often punishments to that amount may be inflicted, nor is the instrument of punishment defined.

One of the clauses connected with this subject, which, in the Trinidad Order, is numbered the twenty-first, is extremely important. It provides that if any owner or manager is prosecuted for cruelly and unlawfully punishing a Slave, and if the Slave, alleged to be illegally punished, is produced in court with the marks of recent flogging or laceration, and

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by thus diminishing the disproportion between the free and the enslaved.

To permit the protector and guardian of Slaves, therefore, to hold Slaves of any description, or in any part of the world, is as unnecessary, as it is manifestly unfavourable to the progress of Colonial Reform,

The case is still worse as it respects the assistant guardians, for they are not debarred, by the Order, from being the possessors of plantations, and of Slaves, within the Colony, whether domestic or predial. Now as in all the Colonies, all the larger Colonies especially, the main duties connected with the office of protector and guardian must of necessity devolve on his assistants, it is plain that the whole intentions of the Government may be, and probably will be, frustrated by such an arrangement. The Slaves will be no better off than before. They will be as entirely and unreservedly as ever in the power of functionaries who are Slave-holders, and who will still be without efficient check or controul. The picture drawn by Mr. Dwarris of the operation of the former guardian act of Grenada, will thus be realized in all the Colonies. "It is not," says the attorney-general of that island, "a dead letter," (though the symptoms of its life have certainly not been very visible,) "but the misfortune is that proper persons *cannot be found* to carry it into effect. *They are those who may be liable to it themselves who are the guardians.* Perhaps a man may be a guardian one year, and his neighbour the next, which would prevent his acting strictly according to the act." The governor of Grenada testifies to the same effect. "*There are* NO *persons to be found to fill the situation of guardian, such as must have been contemplated by the act, who are, as they ought to be, independent. They are chiefly overseers or managers. Can* THEY *be expected to say, that the clothing or food furnished by their employers is insufficient? Or if they do, may they not be afraid of the charge being retaliated?*"* And this is said of Grenada, the most liberal and enlightened, as we are told, of all the Colonies. What then must be the case in Trinidad under a similar constitution of things? With an immense list of naval and military officers on half-pay, is it impossible to apply any remedy to this evil? Is there not to be found in that list a sufficient number of highly respectable and meritorious men who, at a small expense, might be most beneficially employed in filling these important offices in all our Colonies, and whose remuneration might be made to depend on the regularity of their returns, and the propriety of their conduct?

There still remain two points of objection to the Trinidad Order in Council, which it will be convenient briefly to notice in this place.

One is that the hours of labour are not fixed. It is possible that there may already exist some law in Trinidad for that purpose: it is desirable, however, that it should be known. But whatever may be the limitation of the hours of field labour in Trinidad, it is manifest that *there*, as in the other Colonies, is superadded the oppressive task (after the labours of the field are closed) of collecting, and bringing to an appointed place, bundles of grass for the horses and cattle on the estate. It is difficult

* See Mr. Dwarris's Report, p. 96 and 98, and the Society's Third Report, p. 34.

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adequately to describe the vexatiousness of such a task; and it is evident, from the returns of punishment in Trinidad, that there is no part of the duties required from the Slaves which leads to more frequent inflictions of punishment than this. Instead of employing, during the day, an individual or two to cut and carry the grass which is needed, the whole gang, men and women, at the close of a day of exhausting toil, under a vertical sun, must be engaged, for an hour or two after it is dark, in cutting and carrying large bundles of grass, perhaps thoroughly wet with rain, for a mile or two on their heads; till having all assembled, (possibly after long waiting,) and delivered their bundles, they are dismissed to their homes; some of them, perhaps, first receiving a few lashes, or being punished with a night in the stocks, on account of the scantiness of their bundles. This is an enormous abuse, which ought not to be endured for a day longer.*

But there is another, and perhaps a still more important, blemish in the Order in Council. It consists in a supplementary enactment, which directs that upon the complaint of a Slave to the magistrate, of an illegal punishment having been inflicted, the accused, if convicted, shall be liable to a penalty not exceeding ten pounds; but that should the complaint prove groundless OR malicious, the magistrate shall return the Slave, with a written declaration of the cause of dismissing the charge, to his master, who thereupon may inflict punishment, at his discretion, to the extent of 25 lashes; or, if deserving of a higher punishment, the Slave may be remitted to the proper tribunal.

It is impossible not to feel that this system of making Slaves liable to punishment when they fail to establish, by satisfactory evidence, the truth of their complaint, (a system which prevails throughout the whole of the West Indies,) is radically vicious, and ought not to have been sanctioned by His Majesty's Government. A Slave fails to prove the truth of a complaint, involving, even if established, a penalty not exceeding ten pounds; and for this failure, the complainant may be subjected to 25 lashes of the cart-whip, inflicted by an exasperated master, and that without his being arraigned, or tried, or having any opportunity afforded him of preparation, or of producing witnesses in his favour, but merely on the ground of what may have transpired before the magistrate, not on an examination of a specific charge against himself, but on the trial of a charge agaiust his master. It may be perfectly proper to punish *malicious* complaints, but surely the punishment ought to follow a regular arraignment, and a regular trial and conviction, after all fair means of disproving the charge of malice have been allowed to the accused. The attorney-general, in a recent debate, expressed most strongly, in common with Mr. Canning and Mr. Peel, his sense of the obligation which lay on Parliament to provide that the Negro should enjoy the same protection from the law, both in its substance and its forms, as the White man. But what can be a more direct contravention of that principle, than the provision that has been

* See Collins's Practical Planter; Watson's defence of West Indian Methodist Missions; the Tract, Negro Slavery, No. 1; and the Slave Colonies of Great Britain, p. 30. and p. 86—90.

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mentioned; a provision, not only radically unjust in itself, but pregnant with the most disastrous effects on the happiness of the Slave population. Of the extent of those effects, some idea may be formed from the proceedings which took place in Trinidad itself, as detailed in the papers before the House of Commons, in the case of two slaves, Marquis and Regis; but still more from the returns of the fiscals of Demerara and Berbice. In the report of this last, especially, are to be found numerous instances of Slaves having been severely punished on the pretence that, supported only by the evidence of the very individuals against whom they complained, their complaints were unfounded.

It has been necessary to dwell at so much length on the Order in Council for Trinidad, because it is professedly the model on which the Government has declared its intention of acting, with respect to all the Colonies directly subject to its own legislation. It is extremely important therefore that its defects should be understood. In five of those Colonies, however, nothing has yet been done for giving effect to any one of its provisions, although it has been stated to be the intention of Ministers no longer to delay the necessary measures for that purpose. These Colonies are BERBICE, ST. LUCIA, HONDURAS, the CAPE OF GOOD HOPE, and the MAURITIUS. Of them, therefore, nothing need now be said; as the legal condition of their Slave population remains still in precisely the same state in which it was on the 15th of May, 1823. In DEMERARA alone has any thing as yet been done for assimilating its Slave laws to those of Trinidad.

It was Lord Bathurst's instructions to the governor of Demerara, that the whole of the provisions of the Trinidad Order should be introduced into that Colony; and it might have been introduced there, as easily as it had been introduced into Trinidad, merely by exercising the same act of the Royal authority in the one case as in the other. It was thought expedient to pursue a different course, and to prevail, if possible, with the Demerara Court of Policy, to adopt and promulgate the new code as their own enactment. Two years were passed in efforts to this effect, until Lord Bathurst was at length obliged to intimate to them, that "however desirous His Majesty's Government might be that the origination of this measure should proceed from the Court of Policy," it was necessary to explain that if they did not adopt his suggestions, His Majesty's Government "would feel it their paramount duty to issue, without further delay, an Order in Council for the purpose of carrying them into effect."* This intimation led to the adoption, by the Court of Policy, of the draft of an Order, which was transmitted to Lord Bathurst by Sir B. D'Urban, on the 14th of March, 1825; and of which an analysis with observations will be found in a former publication of the Society.†

On the 9th of July, 1825, Lord Bathurst returned this draft to Demerara, with a strong expression of His Majesty's approbation of the zeal with which the Court of Policy had proceeded to give effect to his wishes; and although he admits that the law will be imperfect

* See Lord Bathurst's letter to Sir B. D'Urban, dated 20th Nov. 1824; and the Slave Colonies of Great Britain, p. 25.

† Slave Colonies, &c. p. 27—33.

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until some important additions shall have been made to it, he nevertheless directs that a law, expressed in the terms of the draft, should be forthwith promulgated; his Lordship being anxious that the chief civil authorities of the Colony should appear to the Slaves to be the immediate authors of the beneficial change in their condition. He guards them, however, against considering the adoption of this course as, in any degree, admitting the claims of the Court of Policy, or compromising the rights of His Majesty, to the legislative authority in Demerara; or, as implying that Government meant to abandon any of the principles of reform enforced and acted upon in Trinidad, as nothing short of a complete compliance with those principles will satisfy them.

These observations are accompanied by a repetition of the arguments that had been already used by his Lordship in his dispatch of the 20th November, 1824,* in reply to the objections of the Court of Policy; and he closes with expressing a hope, that they will spare him the necessity of introducing, into the Order in Council, regulations which the Court of Policy shall not have previously adopted.

The Court of Policy having taken this dispatch into their consideration, refused to modify any part of their draft, excepting the clause relating to the marriage of Slaves, which they have now agreed shall, when solemnized in the prescribed mode, "be held, and considered binding, valid, and effectual in law; provided nevertheless, that such marriages shall not confer, on the parties or their issue, any rights inconsistent with the duties which Slaves owe to their owners or to the government, or at variance with those rights which the owner or the government are by law entitled to assert over Slaves and their progeny, or subject such Slaves, so intermarrying, to any penal infliction the effects of which might destroy the rights or injure the property of their owners."†

The Demerara Ordonnance has been promulgated in this state of mutilation, and came into operation on the 1st of January, 1826.

The defects of the Order in Council for Trinidad, have been already pointed out. These defects, of course, remain in the law which has been adopted in Demerara, and they remain there in greater force in consequence of the omission, in the Demerara law, of several of the most important and most beneficial of the provisions of the Trinidad Order.

On the subject of these omissions, Lord Bathurst addressed the Governor of Demerara, in a dispatch, dated February 25, 1826. The first to which he adverts, respects Sunday labour, various kinds of which, as potting sugar, turning and drying coffee and cotton, &c. the Court of Policy contend it is necessary to continue, compulsorily, and without wages. Lord Bathurst, in commenting upon this statement, observes, that it is necessary to maintain inviolate the maxim that the owner of a Slave has no title to his labour, except during six days of the week.‡ All labour, therefore, on Sunday, for the preservation of the crops, must be *neces-*

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* Slave Colonies, &c. p. 25. † See Papers of March, 1826.

‡ The transcribing of these and similar expressions, is not to be considered as implying an acquiescence in the justice of the principles which they involve. It would obviously be difficult for the owner to establish, on any very satisfactory ground, his just title to the labour of his fellow-men for six, or for any, days in the week.

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sary to that end, and must both be voluntary on the part of the Slave upon any estate, and must be paid for at a regulated rate by the master. This principle of remuneration to the Slave for Sunday labour cannot, his Lordship says, be departed from; and that remuneration must be paid, not in a small portion of the produce, but by ascertainable wages. Lord Bathurst is, therefore, of opinion, that the reasons alleged by the Court of Policy for permitting, in certain cases, the compulsory labour of Slaves without wages on Sunday, are insufficient to justify the practice.

With respect to the Slave's right of property, Lord Bathurst seems disposed to concede, that Slaves should be debarred from cultivating or selling the staple articles of sugar, coffee, and cotton, on the ground alleged by the Planters, both of Trinidad and Demerara, that a permission to cultivate or sell the staple commodities of the Colony, would tempt the Slaves to commit depredations on their owners' property. But even such a restriction as Lord Bathurst proposes would fall far short of that imposed by the law of Demerara, which enacts that "All slaves, as well males as females, are prohibited from selling or bartering with any one whatever, any produce, sugar, coffee, cocoa, indigo, cotton, rokow, syrup, rum, bottles, or flasks, *or any thing else;* being permitted to sell only vegetables and ground provisions, the produce of their garden, or stock which they are permitted to rear; on pain of their being severely flogged, on the plantation to which they belong, for the first offence; and, for the second, to be punished by sentence of the court, according to the exigency of the case." *

If this law, or even the modified version of it proposed by Lord Bathurst, is to be maintained, what hope can reasonably be entertained of productive industry, beyond the mere supply of their necessities, on the part of the Slaves? What would be thought of a law in this country which should prohibit labourers, who might be the owners or occupiers of a few acres of land, from cultivating upon it any of the staple articles of production? But the Planters say, that if the existing prohibition were removed, a door would be opened to depredations on the Master's property. If depredation is practicable, the Master will be liable to it, whether such a law exists or not. But even if all the weight were allowed to the argument which is claimed for it, it does seem altogether unwarrantable to make the prohibition, as it now is, universal and unqualified. Why should the slaves of a sugar estate be debarred from growing coffee, or the slaves of a coffee plantation from growing cotton, or the slaves of a cotton plantation from growing coffee, ginger, and other exportable articles? The law, as it stands at present, is conceived in the very worst spirit of a pure and unmitigated monopoly; and if it shall be deemed necessary to continue it, it will only serve to convince the people of this country, more fully than ever, of the untractable nature of Slavery, and of the necessity, on every sound principle, whether of morals or of political economy, to effect its utter extinction. The Court of Policy had also brought forward an array of objections to the allowing Slaves to hold property in land, or to the

* Slave Colonies of Great Britain, p. 26.

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giving them a power of civil action in regard to their property; to some of which objections it is to be regretted that Lord Bathurst seems to attach sufficient weight to incline him to modify, in some degree, the provisions of the Trinidad Order.

The third grand omission in the Demerara Order respects the right proposed to be given to the Slave to purchase his manumission. On this point Lord Bathurst justly observes, "no system of measures would satisfy the feelings of this country, or execute the purposes of the House of Commons, which did not contain some direct provision, some acting principle, by which the termination of Slavery may be gradually accomplished." He regards therefore the right in question as "a vital part of the whole measure," which "cannot be dispensed with." His Lordship then discusses at some length, and refutes, the reasoning of the Court of Policy on this subject, though occasionally on grounds which are themselves liable to very considerable question, and with occasional concessions which expose even his main principle to the risk of becoming practically inefficient. His Lordship's dispatch thus concludes—

"This principle of emancipation will proceed on presumptive evidence of the Slave having acquired habits of industry which may fit him for an independent existence, while it will secure to the owner that compensation to which it may be found by experience, as the measure advances in operation, he will be fairly entitled; and it is by experience alone that this can be truly ascertained.*

"A manumission of Slaves under these regulations will be in conformity with the concluding Resolution of the House of Commons in 1823, which declares that the great object of emancipation must be accomplished 'at the earliest period which shall be compatible with the well-being of the Slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the interests of private property.

"But the Court of Policy must recollect, that if, on the one hand, Parliament and His Majesty's Government stand pledged to give the Planters an equitable compensation, they stand equally pledged to take such measures as may ultimately, though gradually, work out the freedom of the Slaves.

"*The Court of Policy may be assured, that from the final accomplishment of this object this country will not be diverted.*

"It remains for me only to add, that I now, for the last time, bring these regulations under the consideration of that Court, with no other alternative, in the event of their declining to admit them, than that of my humbly submitting to His Majesty the expediency of enacting them by direct royal authority."†

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* This proposition is not a very obvious one, although its tendency is scarcely to be mistaken. But, after all, is not the real value of any article, whether it be a machine, or cattle, or the human animal, if we must so degrade him, the amount which it will command in the market?

† See the papers laid before Parliament, March 1826.

The author of a pamphlet, more largely noticed below, has justified the course of referring this matter to the Court of Policy, by pointing out the important in-

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There is, however, a fourth most important omission not noticed in the dispatch of Lord Bathurst, though mentioned by him on former occasions, namely, that clause numbered 21 in the Trinidad Order, which directs that on the prosecution of any Owner, &c., for inflicting any illegal punishment on a Slave, if the Slave so alleged to be punished shall be produced in open court, and if the marks of recent laceration shall appear on his person, and if the Slave shall make a consistent and probable statement of the facts, the accused shall be bound to prove either that the punishment was not inflicted by him or with his privity, or that it was a lawful punishment, lawfully inflicted; and in default of such proof he shall be convicted.

But besides the defects belonging to the Trinidad Order in Council, and which are also attributable to that of Demerara, and the further important omissions which have now been noticed in the latter, there are to be found in it some minor but yet material deviations from the Trinidad model, which ought not to be overlooked in any Royal Order it may be necessary to issue.

The interval between an offence and its punishment is altered from the definite period of twenty-four hours in the Trinidad Order, to "after sun-rise" of the day next following that of the offence; which may allow an interval of only six or seven hours. Again, instead of requiring, as in Trinidad, a free witness of the punishment, it is made sufficient that six Slaves shall witness it. It is surely a hazardous innovation to make the witnesses in such a case persons so wholly dependent on the punisher as his own Slaves must be; and the pretence for it, too, seems inadmissible, namely, that it may be impracticable to obtain, in any reasonable time, a free person, White, Brown, or Black, to attend and witness the infliction. If free persons are so extremely scarce in Demerara, as to require such an arrangement, it is only a proof of the importance of imposing additional checks on arbitrary punishment, instead of granting additional facilities for its exercise. A delay of forty-eight hours is allowed in recording punishments, on what account does not appear. The penalty for failing to deliver, every six months, a copy of the record on oath, is only 300 guilders, or 25*l.* sterling.

The hours for *field work* in Demerara are made to extend from six in the morning till six in the evening, with an interval, in the whole, of two hours for rest and meals; being half an hour less than in the other Colonies. But, as has been already observed, *field work* by no means comprises the whole of the labour exacted from Slaves. One of the most onerous, vexatious, and injurious of the tasks daily imposed on them follows after the cessation of field work. We speak not of the labour

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fluence which will be produced, on the other Colonies, by the example of a local legislature like that of Demerara appearing to take into its own hands the *initiation* of such an Ordonnance. But those Colonies are not in ignorance of the real facts of the case. They know them as well as the author of the pamphlet. He cannot throw dust into their eyes on this subject, as they may have done too successfully into his. They well know that, whatever *appearance* may be given to the transaction, both the *initiation* and the *completion* of it belong to His Majesty's Government, and not to the Court of Policy. The attempt, therefore, to exhibit it to them under such a semblance, can serve no rational purpose whatsoever.

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of crop, as grinding and boiling sugar, pulping coffee, &c., which are allowed to be continued for half the night, thus depriving the Slaves, for several months of the year, of a great part of their natural rest; but of the prevalent practice, when the field work is over, of obliging the Slaves to collect food for the horses, cattle, and other live stock—a task which necessarily consumes from one to two hours of the evening in a most troublesome and unhealthy occupation; bringing with it also a needless multiplication of penal inflictions.*

In Demerara the Fiscal has been appointed the protector and guardian of Slaves. The two offices seem not to be very compatible; and if we may judge by the returns, already received from this very gentleman, of his decisions on the complaints of Slaves, they certainly present no satisfactory ground of confidence that he is peculiarly qualified for his new office.

After having pointed out the comparative defects of the Demerara Order, as compared with that of Trinidad, it is but an act of justice to state wherein it has improved upon that model. A record of punishments is directed to be kept not only on all *plantations*, as in Trinidad, but by all persons having gangs of Slaves exceeding six. Those who possess a smaller number are not subject to any such regulation; and yet persons in low circumstances are both less likely to be accustomed to restrain their passions, and less liable to observation than others. Their slaves, therefore, if no record of their punishments is to be kept, ought surely to be exempt from any arbitrary inflictions (at least beyond the three lashes which may be given in all cases without a record), unless by the order of a magistrate.

The Demerara law of evidence is also more favourable to the Slaves than that of Trinidad, inasmuch as it admits the evidence of Slaves in civil suits in which the Owner is concerned, and on the trial of Whites charged with capital offences.

Such, then, is the actual extent of the improvements effected in the seven Slave Colonies subject to the crown. In Trinidad an Order has been promulgated, comprizing many beneficial regulations, but falling short of even that measure of reform which the public had been led to expect. In Demerara an Ordonnance has been published, which, as has been seen, falls, in some very important respects, below that of Trinidad. In the other five Colonies nothing has as yet been done.

The Colonies having Legislatures of their own are thirteen in number. To these the Trinidad Order was transmitted by Lord Bathurst in the year 1824 (full instructions to the same purport having been sent out in the preceding year), recommending it to them, in the strongest manner, to frame their Slave Codes accordingly. The result of these recommendations will now be explained.—Nine of these have done nothing, viz. Antigua, Barbadoes,† Bermuda, Dominica,‡ Jamaica,§ Montserrat, Nevis, St. Kitt's, and Tortola, or the Virgin Islands.

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* See above, p. 143, 144.

† In the paper laid before Parliament, containing a "Statement of Slave meliorating Provisions recommended by His Majesty's Government," and enacted in the Colony of Barbadoes, the word "*none*" is affixed to each separate head of improvement.

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In these nine Colonies, therefore, not one of the twelve or rather fourteen heads of proposed improvement specified above (p. 1, 2.) has been adopted, in consequence of the recommendations of His Majesty.

There remain, however, four Colonies in which *something*, it appears, has been done. We proceed to shew to what that something amounts.

I. THE BAHAMAS.

The papers laid before Parliament would shew that improvements had been introduced into the law of the Bahamas, passed in 1824, in six particulars, namely, religious instruction, manumission, regulation of punishment, female flogging, marriage, and the separation of families. With respect, however, to the first three of these heads, they ought to have been entirely excluded, for reasons which shall now be given.

1st. All that the new Act says on the subject of religious instruction is to this effect:—"That all Masters, or, in their absence, their Overseers, shall, as much as in them lies, endeavour to instruct their Slaves in the Christian Religion; and shall do their endeavour to fit them for baptism, and as soon as conveniently may be, shall cause to be baptized all such Slaves, as they can make sensible of a Deity and of the Christian faith." Now these words, which form the 9th clause of the Act of 1824, are the very identical words which form the 6th clause of the Slave Act of the Bahamas of 1796, and which will probably be found in every general Slave Act passed before or since. Precisely the same words, without any variation, stand as a part of the Jamaica Slave Act of 1696,* and have continued to be transferred to each successive Act down to the last which was passed there in 1816. The very same clause, therefore, which is now produced as an amelioration, has stood a perfectly dead letter in the Bahama Code for at least thirty, and in the Jamaica Code for 130 years. How, indeed, could it be otherwise? The clause provides neither time nor means for performing the prescribed duty, and attaches no penalty to its neglect. Be its value, however, what it may—and it is not apprehended that any man will contend that it has had any practical operation whatever—it is not a new or even improved

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‡ In the same paper several particulars are given of a Bill that had been proposed to the Legislature of Dominica, but had not yet passed into a law; but these cannot be regarded in the light of actual, but merely of projected ameliorations, which may or may not be adopted. Dominica has, however, at length repealed its tax on manumission, which Barbadoes has not done.

§ Some trifling regulations have been adopted in Jamaica, which cannot be considered as meeting any one of the recommendations of His Majesty's Government, and which tend rather to relieve the master than the slave. Of what benefit, for example, can it be to the Slaves, generally, that they are free from arrest on Saturday as well as Sunday, unless their masters are pleased to do what they are not now obliged to do—to give them Saturday as well as Sunday for their own use? So, the facilities given to manumission are facilities for the accommodation of the master, in his voluntary acts of manumission, but which convey no rights to the Slave. And as for the power which is given of bequeathing money or chattels to Slaves, it is only permissive to the testator and executors. It conveys to the Slave no right of property even in the bequest which is made to him, and it expressly excludes him from the power of instituting any action or suit at law or in equity for the recovery of such legacy.

* See Privy Council Report of 1789.

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enactment, but one almost as old as the Colonies themselves; standing on their statute books, not as a monument of their zeal for religious instruction, but of the utter inefficiency of all such mere *recommendatory* provisions. The same worthless and wholly inoperative clause meets the eye in the codes of several of the other Islands.

2. The clause with respect to manumission has, if possible, still less claim to be exhibited as an improvement. It professes to *suspend* all acts imposing a tax on manumissions, when, in point of fact, no such acts were in existence. This is gaining credit for amelioration at a very moderate cost. Whoever will take the trouble of looking at a paper ordered by the House of Commons to be printed on the 14th of May, 1823, and numbered among the papers of that year, No. 347, will find there, at p. 151, a return from S. Nesbitt, the Secretary of the Bahamas, dated 5th November, 1821, which states that there are "no taxes imposed on manumissions in this Colony," and that the fee charged for recording an act of manumission is only five shillings.

3. The pretence to improvement with respect to the regulation of punishment is equally destitute of all foundation. The 18th clause in the Bahama Act of 1824, which is quoted as justifying this part of the statement, is to the following effect, being in fact a literal transcript of the 11th clause of the printed act of 1796, viz.—"*In order to restrain arbitrary punishment*," "no Slave shall receive more than TWENTY lashes at any one time, or for any one offence, unless the owner or employer of such Slave, or supervisor of the workhouse, or keeper of the goal be present;" and these several persons are then restricted from inflicting more than THIRTY-NINE lashes at one time and for one offence. But surely the framer of the abstract of ameliorations which has been laid before Parliament, must have been aware that this enactment was no amelioration, though it is represented as such. Thirty-nine is the greatest number of lashes which any law of any Colony has permitted to be given, at the will of the master. And the number TWENTY, which the driver in the Bahamas is allowed to give, is double the number to what he is now limited in almost all the other Islands, and has been limited in Jamaica for at least thirty-eight years.*

4. The clause relative to whipping females is to this effect, not that females shall not be flogged, as all Slaves may be flogged, with twenty lashes by the driver, and with thirty-nine lashes by the master, and, if it so please them, as heretofore, on the bare body; but that no female slave, above the age of twelve, shall be so punished otherwise than *in private*. In short, the Bahama Legislators, by way of improving their penal code, have borrowed a leaf from that of the Spanish Inquisition: their punishments of females are henceforward to be in secret.

5. The clauses respecting marriage direct that marriages of Slaves, or of Slaves and free persons, may be solemnized (one free witness at least being present) by *clergymen* or justices of the peace, without publication of banns or licence; but *only on Sunday*, between eight and twelve, a fortnight's notice being given; and provided the parties pro-

* See the Jamaica Act of 1788, limiting the driver to ten lashes, and the owner to thirty-nine.

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fess the Christian religion, and produce the written consent of their owners. Such marriages are to be registered, and are declared to be valid, and their issue legitimate; "saving always the just rights of ownership, which in no case whatsoever shall be hurt, prejudiced, straitened, or otherwise affected thereby;" and also, "provided that the marital power and authority to be thus acquired, shall in no such case impugn, diminish, or interfere with the rights or authority of the owner or owners in, to, and over such slave or slaves, in any manner whatsoever." It is a remarkable part of this provision that it debars from the benefits of the marriage tie all slaves who are not Christians, or who are married by any religious teachers but clergymen, and this in a colony where but for the labours of the Methodists there would be few if any Christians. The legislators of the Bahamas might have known that, in other parts of the British dominions, amoug the many millions of our Hindoo and Mahommedan subjects, for example, and even in Great Britain itself, the profession of Christianity is no necessary condition of a valid marriage. Jews and others may there form valid marriages without any such profession, nor is any thing of the kind required even in that most religious part of the empire, Scotland. One would have expected that wise legislators would rather have been desirous of removing all possible impediments to marriage, than of thus multiplying them. The present limitation is one, which, through the utter insufficiency of the clause enjoining religious instruction, must shut out a large portion of the slave population of the Bahamas from the benefit of this provision.

6. The regulation with respect to the non-separation of families is less liable to just exception than any that has been mentioned. Slaves being husband or wife, or reputed husband and wife, and their child, or reputed children under fourteen, *being the property of the same owner*, are not, whether by private contract, or public sale, or by virtue of any mortgage, execution, or other legal process, to be sold separately, or otherwise than in one lot, and to the same person; and the same rule applies to slaves passing by bequest. This law supplies one great defect in that of Trinidad on the same subject, prohibiting the separation of families by *private sale*, as well as by *judicial process*. The remarks already made on the subject of *reputed* marriages, (see p. 13.) are applicable equally to the Bahamas as to Trinidad. Such marriages ought at once to be registered and rendered valid.

It is unnecessary now to refer to the many unjust provisions of the new Slave Law of the Bahamas. They are pointed out in the pamphlet entitled the Slave Colonies of Great Britain. (p. 4—11.) But, besides these, it has not provided for the religious instruction or Christian education of the slaves; or for the observance of the Sunday (equivalent time being given to the slaves on other days); or for the admission of slave testimony; or for the protection of slave property; or for facilitating manumissions; or for preventing the sale of slaves detached from the plantation; or for restraining the power of arbitrary punishment; or for abolishing the corporal punishment of females; or for putting down the driving whip; or for establishing saving banks.

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II. TOBAGO.

Tobago has been the first of the Colonies, having legislatures of their own, to adopt any of the proposed ameliorations. A brief view of some very serious objections to various provisions of its recent act, may be seen in the pamphlet already referred to, the Slave Colonies of Great Britain (p. 78). At present the object is to shew wherein its legislation has been improved. The points in which any improvement is alleged to have taken place are—the observance of Sunday; the admission of slave evidence; the right of property; the regulation of arbitrary punishment; and the sale of Slaves detached from the estate.

1. The observance of Sunday. In this island alone have Sunday markets been as yet abolished. In future the markets are to be held on Thursday. It is not however provided that the slaves shall have the Thursday on which to go to market; neither is equivalent time allowed them in lieu of the Sunday. The allowance of time to the slaves, indeed, for the cultivation of their grounds, besides the Sunday, is more liberal than in any other colony. It amounts to thirty-five week days in the year: but even this is far below what the equity of the case calls for; for the Sunday being now no day of labour, as formerly, the addition to the preceding allowance of week days, whatever it was, ought to have been fifty-two.

2. Slave evidence is admitted, by the Tobago act, in no civil case whatever, and in no criminal case, excepting where a free person is charged with murder or mayhem of, or cruelty to, a slave; and when no free person was present, or can be produced to prove the facts. In that case, if two slaves testify to the same fact, and their credibility be unimpeached, their testimony is to have the effect of the testimony of one White; and the slave suffering the mayhem, &c. may be one of the two.

3. Slaves are declared to be entitled to hold personal property, "*fairly acquired*," and to sell the same, and to bring all actions personal for recovering the same, slavery being no plea in abatement of such action. Here, however, no means are pointed out by which a slave shall proceed in asserting his right, nor any penalty affixed to his being hindered or molested in doing so.

4. The regulation of punishments consists in limiting the power of the owner, &c. to the infliction of twenty stripes, being fewer than any other law authorizes, and in requiring that a free witness should be present whenever the punishment exceeds twelve stripes. Drivers are restrained from punishing without express orders; but those orders, it is obvious, may be renewed from day to day. One clause, the 25th, appoints the President of the Council, the Speaker of the Assembly, and the Judges of the Court of Common Pleas, guardians, to inquire into complaints of cruelty towards slaves, and to direct, if need be, their prosecution by the Attorney General. The uselessness of such a regulation may be seen in the case of Grenada as stated above (p. 143). Indeed Grenada has just repealed its Guardian Act.

5. It is said that the separation of slaves from the land was prevented by a former law of Tobago. There is, it is true, a law of some standing which makes slaves, as well as cattle, real estate; but then this appears

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to be only for certain special purposes. They are to be real estate, in so far as to descend to the heir at law, and that widows may be endowed thereof; but they are still to be chattels, if the owner's other goods are not sufficient to pay his debts.

Here then we have the amount of improvement in Tobago. No means are provided, and no time set apart for religious instruction. Equivalent time in lieu of Sunday is not given to the slaves. Their testimony is admitted in a very partial and restricted manner. Their marriages are not legalized. Facilities are not afforded to manumission. The separation of families by sale is not prevented. The flogging of females is not prohibited. The use of the driving whip is retained. Saving banks are not established; and free persons are not adequately protected in the enjoyment of their liberty.—And yet the authorities of Tobago declare, in the most peremptory terms, that they have reached their ultimate point in the scale of improvement, and that they will not, in deference to a wild fanaticism, sacrifice their inalienable rights by proceeding another step.

III. GRENADA.

The points in which, since May 15th, 1823, the Legislature of this Colony has adopted the recommendations of his Majesty, are stated, in the papers recently laid before Parliament, to be eight; namely, religious instruction; the observance of the Sabbath; the evidence of slaves; manumission; the non-separation of families; the regulation of punishment; the driving whip; and the slave's right of property. These different points are mentioned, without doubt, in an act recently passed in Grenada; but how far they merit to be mentioned as ameliorations, will more clearly appear on an examination of them in detail.

1. Religious instruction. On this head, though it is so stated in the abstract, there is really no amelioration. The Grenada slave act of 1788 contained a clause on this subject, which was far more specific than the corresponding clause in the recent act, and had penalties annexed to it which the new act has not. The penalties and specification of the old act have been abandoned, and the barren generalities of the Jamaica act of 1696, the established form of evasion throughout the West Indies, have been substituted. Nay more, the former Grenada acts were prefaced by an imposing preamble, recognizing in solemn terms the obligation to introduce among their slaves a knowledge of the Christian religion (see the act of 1797); and yet so utterly useless, so devoid of all force and vitality has been this parade of legislation, that the clergymen of that island, in making their returns to Lord Bathurst of the state of religion (see Papers printed by the House of Commons in July 1818), admit that very few of the slaves attend divine service. "Sunday is the general public market day," "and almost the only one on which slaves have an opportunity of bartering the produce of the provision grounds allotted to them for other commodities." "These markets are generally at their height during the performance of divine service, and being holden on the Sabbath day, little attention or respect is shewn to the religious duties of the day." "When I remonstrate," says one of these gentlemen, the Rev. W. Nash, "they reply, that if

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they come to church they must starve, as Sunday is the only day they have to cultivate their garden. The plea is so reasonable that I cannot oppose it; but I heartily wish their masters would deprive them of it by allowing them one day in each week to labour for themselves." "If they have not time for instruction," he justly remarks, "ignorance is unavoidable"—though "to human beings whose moral feelings and intellectual faculties have been suspended for ages unknown, and at length almost annihilated by an execrable system of oppression, under which, in order to endure existence, it was necessary to suppress every generous sentiment, to stifle every tender emotion, to forget they were men, every consideration that the horror of their situation can suggest, and the benevolence of the Christian religion inspire is certainly due."*

Now if the more stringent clauses of 1788 have produced no effect, and have never been alleged to have produced any, are we to be deluded into a hope of amelioration by the repetition of words which have been repeated to satiety, and without effect, for 130 years; which point to no means; prescribe no time; and are accompanied by no sanctions? Here the movement is absolutely a retreat and not an advance.

2. At the time that Mr. Nash wrote the report which is cited in the last paragraph, it is obvious that there was in Grenada no observance of the Sabbath, that first preliminary requisite to effectual religious instruction, and which would have done more for religion than all its other specious but hollow enactments.

Had the Slaves come to church, in quest of the religious instruction the act required to be given to them, Mr. Nash tells us, they must have starved, as Sunday was the only day they had to cultivate their grounds. The law, it is true, allowed them even then one day in fourteen out of crop, or about eighteen days in the year. Mr. Nash does not say that those eighteen days, though allowed them by the letter of the law were, like the religious instruction, in practice withheld from them, though his language seems to imply it. But, whether that were the case or not, it is still plain from his statement, that, in his opinion, with fifty-two Sundays in the year at their own disposal, they could not have come to church without the risk of being starved. But what does the new Act do to remedy this state of things? Does it give the Slaves equivalent time for their fifty-two Sundays, so that Sunday may be left for repose and instruction? No. The act merely prescribes, that the Slaves shall have twenty-eight days in the year, that is ten more than they were allowed before. Now, to fulfil the purposes of Government as to religious instruction and the observance of Sunday, and to give the Slaves equivalent time in lieu of Sunday, seventy days in the week ought to be given them, whereas they have only twenty-eight. This is a singular mode of improving their condition and of rendering common justice to the Slaves.

The Sunday market, however, is not abolished in Grenada. Something is said, indeed, about extending the market hours on Thursday, and it seems to have been assumed, by the framer of the abstract, that

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* This passage, with many others of the same description transmitted to Lord Bathurst at the same time, lay unheeded on the table of the House of Commons for five long years.

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the clause on this subject is intended as an amelioration of the condition of the Slaves. But the clause has nothing whatever to do, necessarily, with the Slaves. It is to this effect—

That, "whereas by the laws at present in force" (what are those laws?) "for regulating the public markets, the hours thereby limited may not afford sufficient time for the sale of provisions and other articles necessary for the consumption of the inhabitants, be it therefore enacted, that in addition to the time already appointed for holding such markets," (what is that time?) "the market hours on Thursday, throughout the year, shall be extended from six o'clock in the morning till six o'clock in the evening." And what does this clause do for the poor Slaves? Does it give them the Thursday on which to go to market? No such thing. They, for aught that appears to the contrary, are occupied wholly in the field in that day. Nay, it may be even impossible for their masters to allow them on that day to travel to market for fear of arrest. The clause has not the slightest immediate bearing on the condition of the Slaves, except as it serves to throw dust in the eyes of the people of England. With precisely the same effect, as respects them, might the market have been extended from six to six on every day of the week, as well as on Thursday. Sunday would still of necessity be the Negro's market day. He can have no other unless it is specially given to him by law, or by the special favour of an unincumbered owner. As for the clause that no stores are to be kept open on Sundays, under a penalty of £10 it is an enactment of precisely the same description;—it may do to be read in England, but cannot, in present circumstances, be acted upon in Grenada. A law, precisely in the same terms, was passed in Jamaica in 1816, but it could not be rigidly acted upon, as the markets continued to be held on Sunday. Indeed, how is it possible, that while Sunday continues the market day for the Slaves, and no other has been appointed, that this law can be enforced? If it were possible, it would to them be most cruel.

A clause forbids the employing of the Slaves on Sunday. If this mean nothing more than that they shall not work elsewhere than in their grounds on that day, which is, in fact, working for their masters, nothing is gained by it; for this has always been the law and the general practice in all the islands in which the Slaves are fed from their own provision grounds. But, if it means that they are not to work on their own grounds on that day, then a positive wrong is done to them: they are deprived of their Sunday without an equivalent. So much for the amelioration in respect to religious instruction, and the observance of the Sunday, in Grenada.

3. The evidence of a Slave is only admissible by this new law against a free person on a charge for a capital offence; and even then, he must produce from the clergyman a certificate of baptism, and of competency as a witness, and also of good character from the proprietor, &c., who may be the very man against whom the charge is made. But no free person shall be convicted, unless two Slaves shall clearly and consistently depose to the same facts, and unless their evidence shall be corroborated by circumstantial evidence to the satisfaction of the court and jury. It may be fairly assumed, that few convictions will take place on evidence so fettered.

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4. The Slave's right of property. The clause which is cited in the abstract as giving this right, does not in fact give any such right. It merely provides, that if any owner or any other person shall unlawfully take away from, or deprive, any Slave of any personal property by him possessed, such person shall forfeit £10 over and above the value of the property taken away. And this is all. It is not enacted, that a Slave may legally hold and enjoy property, or legally transmit it to others, or may sue for it by himself, or any one else in his name, or that he can cite others as witnesses in his behalf, or that to take it unlawfully from him is theft or robbery, as the case may be; but whatever be the circumstances, the person so unlawfully taking it, forfeits ten pounds. As the matter ought not to be treated as a debt, but a crime; the penalty is rather a protection to the free person against the legal consequences of such a crime, than of the Slave against lawless depredation.

5. In the clause also which pretends to afford facilities for manumissions, all that is done is to permit the owner of an estate, upon which there may be a mortgage, to manumit a Slave, provided he can put in his place another Slave of equal value, to be ascertained by appraisement. This clause can produce little or no benefit to the Slaves generally. Its chief practical effect will be to enable mortgagors in possession, or their representatives, to redeem their own spurious offspring, or the mother of such offspring from slavery.

6. It is enacted, that no married Slave, or unmarried female Slave, having a child or children under twelve, who may belong to the same owner, shall be sold by judicial process, except together and to the same person. But thus far, according to Mr. Dwarris, Grenada had previously gone. His words are, "Unattached Slaves are ordered to be sold one by one, except mother and child under ten years of age." The necessary condition of being actually married in order that husband and wife may not be separated, is peculiarly hard in a Colony, the returns from which shew that no marriages had taken place there for fourteen years.

7. The regulation of arbitrary punishment, by the master, consists in his not being allowed to inflict beyond fifteen lashes, except in the presence of a free person; or more than ten without a record to be produced only when called for; or more than twenty-five for any one offence on any one day, or till the Slave has recovered the effects of the former whipping. But, if the owner thinks that the Slave's *fault, though not cognizable by law, is of such enormity* as to deserve a more exemplary punishment than twenty-five lashes, it shall be lawful for the owner to carry the offending Slave before ONE or more justices of the peace, *who may direct such corporal punishment, not extending to life or limb*, as the offence shall in HIS or their discretion merit; and all this without appeal. This enactment is itself an enormity. What then are the crimes, *not cognizable by law* (the West India Penal Laws, as they affect slaves, are surely sweeping and comprehensive enough) of which a Slave can be guilty, which shall be of such enormity, as to require that ONE justice or any number of justices, shall have the power of inflicting upon him an exemplary corporal punishment to any extent short of life or limb? Is it impossible to imagine two neighbouring owners or managers, each in the commission of the peace, agreeing to execute this summary and terrible justice on the

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slaves of each other, *for crimes not cognizable by law*, and therefore violating no law? Is there not enough in this single enactment to shew not merely the uselessness, but the criminality, of continuing to commit the well being and happiness of so many thousands of our fellow subjects to persons capable of framing, apparently without a feeling of its cruelty and injustice, such a provision as this? And then, with respect to the record of punishment, directed to be kept by the owner or the justice, there is no penalty imposed for its not being kept, and no return required on oath, or otherwise, of its contents. They are to produce it only when called for, but without any penalty for refusing to do so.

8. The 12th clause, respecting the driving whip, affords a happy instance of legislative evasion. It enacts that, "*no Slave or Slaves* shall carry any whip, cat, or other instrument of the like nature, *as a mark or emblem of his, her, or their authority*, while superintending the labour of any slaves on any estate, and the persons so offending, and each and every person who shall or may direct, instigate, or abet such illegal use or exhibition of any such whip, cat, or other instrument, shall be deemed guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as the Court before which such misdemeanour is cognizable may direct." Now, let this miserable, unmeaning, and worthless enactment be compared with the corresponding clause in the Trinidad Order, which the Grenada legislators had before their eyes at the time they framed it.—"And it is further ordered, that it is, and shall henceforth be illegal *for any person or persons*, within the island of Trinidad, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any slaves in or upon the fields or cane pieces upon any plantation, or *to use any such whip, cat, or instrument, for the purpose of impelling or coercing any Slave to perform any labour of any kind or nature whatever*, or to carry or exhibit, upon any plantation or elsewhere, any whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person so carrying or exhibiting the same over any Slave," and then all persons doing so, or authorizing, or aiding, or abetting "such illegal *driving*, or use, or exhibition of any such whip," shall be deemed guilty of a misdemeanour, to which is attached *a fine not exceeding £500 nor less than £50 or imprisonment for not more than six months, or less than one month, or both fine and imprisonment*, at the discretion of the court.

In the Grenada act, it will be seen that the prohibition as to carrying a whip is confined to Slaves, as if no one but a Slave could be employed as a driver. The crime prohibited too is not the *using a whip to impel or coerce labour*, but the carrying and exhibiting it as an emblem of authority. The evasion is of so gross a kind as to defeat its object; but it shows the reluctance which prevails to part with the driving-whip.

In one point the framer of the abstract has not done full justice to the Grenada act. He has omitted to notice that it contains a clause *permitting any Slave*, who may be desirous of intermarrying *with any other Slave* belonging to the same owner, to apply to any Clergyman of the Church of England, or any Catholic priest, or "other persons thereto legally authorized," who are required to solemnize the same,

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provided a written permission is produced from the owner; and the clergyman, &c. shall consider the Slave to have an adequate knowledge of the nature of the marriage vow. It is unnecessary to repeat the observations already made (p. 153.) on this strange restriction. The clause, however, after all, while it *permits* marriages of Slaves in certain cases, dexterously avoids conferring upon them any legal validity. It was, perhaps, on this account that all notice of it was omitted in the abstract.

Another reason for the omission, no less valid, may have been that this clause, instead of being an ameliorating provision, falls far short of the Grenada law of 1788, which not only authorizes the marriages of Slaves, but imposes penalties on the clergyman who shall refuse to solemnize them; and furthermore imposes penalties of a still heavier kind, on all who shall violate the purity of married females, being Slaves. Thirty-four years after this law had been passed, in the returns laid on the table of the House of Commons, in March, 1823, we are told by one clergyman of Grenada, Mr. Nash, that "the legal solemnization of marriage between Slaves in this island, is a thing unheard of;" by two others, Mr. Webster and Mr. Macmahon, that NO application had ever beeu made to them to marry Slaves. The former, during an incumbency of 12 years, and the latter, during one of 37 years, had "never heard of such a thing" as the marriage of a Slave. And yet, in the ameliorating Slave law of Grenada, the same enactment as to marriage is again inserted, but divested of all the penalties which seemed to afford some chance of its efficiency, and without any provision for giving a legal effect and validity to Slave marriages.

This act sweeps away the whole system of guardians of Slaves, which the legislators of Grenada had exhibited in their former Slave acts, as the very perfection of West India legislation; and which, as they have repealed it, Tobago has taken up. This is another curious illustration of the uncertainty of Colonial legislation. It would be endless to go through the different clauses of this act, in order to shew the gross injustice of many of the provisions which it retains, and which are to much the same effect as those which will be found in the Slave acts of the Bahamas and Barbadoes.* A few instances will suffice.

By clause 7, The hours of labour are fixed from day-break till sunset, with an interval of two hours and a half for breakfast and dinner (half an hour more than Demerara gives), and slaves are not to be compelled to work beyond that time, except in "manufacturing such produce as necessarily requires night or extra labour," or "in the carrying a bundle of grass or stock meat from the field to the stable or other place where the same is consumed."†

By clause 15, A slave complaining, and whose complaint shall appear to the justices to be groundless, shall be punished, not exceeding thirty-nine stripes.‡—A person taken up as a runaway slave, but claiming to be free, may (by the 22d clause) be sold by order of a meeting of Justices,

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* See Slave Colonies of Great Britain, p. 4—19.

† See Slave Colonies of Great Britain, p. 30, and 86, and above p. 144.

‡ See above, p. 144, 145.

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even though no one prefers any claim to his services. And this is the more remarkable, because one clause, the 48th, throws the onus probandi on the claimant of a slave in a question of slave or free. But the Justices, by this act, may sell a man to whom no one else can establish a claim, merely because they are not satisfied he is free.

By clause 29, Any person carrying off or attempting to carry off from the island a slave without the owner's leave, shall be guilty of felony without benefit of clergy.

By clause 33, Swearing, committing *any indecent act in any place*, getting drunk, quarrelling, wilfully galloping, cantering, or trotting a horse in the town of St. George, may be punished in a slave with twenty-five lashes by any justice.

By clause 35, Black men and women pretending to communication with the devil, or (clause 37) *compassing or imagining the death of a free person*, may be punished with death.—A slave breaking loose from prison, when committed for felony (clause 38), is punishable with death, without benefit of clergy.

By clause 40, Slaves executed or transported, or condemned to hard labour for life, are to be valued and the price paid to their owners.

Such are some of the barbarous provisions contained in this new act, passed in 1825, and they make it the more to be regretted that Lord Bathurst, while he objects to many of the clauses, should have expressed himself so strongly as he has done in approbation of it. "I cannot but be sensible," he says, "that it falls short of what has been recommended, yet it deserves to be considered as an important improvement of the existing code.* *Its provisions are all of a beneficial nature as far as they go.*"—I instruct you, therefore, he writes to the governor, "to convey to the legislature his Majesty's gracious approbation of what has been done; to recommend first that they should revise those enactments in the late act to which I have more particularly called their attention in a separate dispatch, and secondly, to take into their serious consideration the important measures which are yet wanting to fulfil the expectations entertained from them."

The acting Governor, Mr. Paterson, who is himself a planter, in a letter dated the 21st Nov. 1825, tells his lordship that there are some points which seem to Lord Bathurst to be indispensable, with which he fears it will be "impossible to comply," namely, "the total prohibition of the whip as an instrument of correction of females, and the right of slaves to purchase their freedom." Other things, he says, may admit of being modified or explained—but to cease from flogging women, or to give a slave a power of purchasing his freedom, are, in the estimation of this public functionary, ruinous innovations. The women, he says, are the most turbulent of the slaves; and to allow slaves, he adds, to purchase their freedom would be tantamount to gradual but ultimate ruin!—Now, what hope can be entertained of beneficial enactments, on these subjects, from men who can thus speak and judge? Mr. Paterson argues against the appointment of a Protector of slaves as unconstitutional: he is "an officer unknown to the British constitution." How such

* As compared with the act of 1788, it is the reverse of an improvement.

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an officer *could* be known to the British constitution which suffers no slavery—Mr. Paterson will perhaps explain. But what makes this objection on his part the more extraordinary is, that he must have taken a part in renewing, if not in framing, the boasted Guardian Act of Grenada, by which men's eyes in this country were for a time blinded. Now, however, he has acquired new lights on the subject: neither guardians nor protectors are any longer wanted. "The magistrates," he says, "men of the first note," all interested in the welfare of the slave population, "can afford the injured slave more immediate redress than he could receive" from a protector in town. Let the reader look back to the conduct of those Grenada magistrates, as certified by the Governor and Attorney General of the colony (p. 143), and then judge of the delusive nature of the acting Governor's representations.—Equally unsound and delusive is every syllable of his defence of Sunday markets; and if all he says were true, yet how inconsistent is it with his reasoning, to impose a fine of £10 on every one who keeps open his store on Sunday! How are the poor negroes to make their market if that law is enforced on the only market day allowed them? Mr. Paterson does not even pretend that it was meant to give them any other day at present for their markets.—On the subject of the whip, he observes, "that its use was not intended to be prohibited, but the exhibition of it to be interdicted, not only as the emblem of authority, but as an instrument of coercion, excepting when sent for, or taken to the field, for the purpose of punishing an offence previously committed, and requiring immediate correction." This is not a fair representation of the Act, as may be seen by referring to the transcript of it above, (p. 159.) Besides, Mr. Paterson must have known that the principle of immediate correction, for which he manfully contends, and the benefit of which he exemplifies by a reference, (which, we believe, is wholly unfounded,) to the army, navy, and public schools, is in the teeth of the principle of the King's recommendation, that an interval of 24 hours shall always pass between the offence and the punishment.—He defends the discretionary power, given to a single magistrate, of inflicting any punishment, short of life and limb, on offences not cognizable by law, by saying, in the usual style, that "the magistrates are the lawful and willing protectors of the Slaves."—"It would be contrary," Mr. Paterson further tells us, "to the whole system and very existence of Slavery, to admit a right of action in a Slave against his owner, and what no West Indian legislature would or could concede."

Then follows some metaphysical reasoning to prove the wisdom of the Grenada legislation in admitting Slaves to give evidence in the case of *capital* offences, but refusing to receive such evidence in civil suits, or in petty cases of assault, or of trivial crimes.

Is it right that men who can thus reason, and thus feel, should be the representatives of His Majesty in protecting, and in administering justice to so large a portion of His subjects; or should be entrusted with the delicate task of legislating for them?

IV. ST. VINCENT'S.

The new act of St. Vincent's resembles that of Grenada in several

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respects. It contains a similar clause on the subject of religious instruction. It limits markets to *ten* on Sundays, and yet shuts up shops on that day, under a penalty of £10; appointing no other day for marketing. It does not give equivalent time to the Slave in lieu of the Sunday. It protects the property of Slaves in the same inadequate manner as the Grenada act, and follows it in adopting, in nearly the same terms, the same evasive enactment respecting the driving-whip. It says nothing of manumission, except that free Black and Coloured freeholders are not to be freeholders for any other purpose than that of holding and assigning their freehold property; thus disfranchising, by a stroke of the pen, a large class of His Majesty's subjects, whose only crime is the colour of their skin. It says nothing of preventing the separation of families by sale. Slaves are declared, by an old law now renewed, to be real estate and not chattels, and as such shall descend to heirs, and widows be endowed thereof; but if there be not chattels to pay debts, then Slaves shall be taken and sold as chattels. It does not modify the power of arbitrary punishment by the master, but leaves the Slaves, men and women, subject, in all respects as before, to 10 lashes by the driver, or 39 by the owner or manager. It requires a register to be kept *on every estate*, but it is to be produced only when called for, of all punishments above ten lashes. It requires clergymen to solemnize the marriages of Slaves, producing the consent of their owners, and understanding the nature of the marriage vow; but it gives no *express* validity to such marriages, and declares that they shall confer no rights inconsistent with the duties of Slaves, or subject them to penalties, the effect of which may injure their owners. It admits, in capital cases alone, the evidence of a Slave, provided he produces a certificate of baptism and character; provided also that two Slaves clearly and consistently depose to the same fact, being examined apart, and that the crime is prosecuted within the year. But no Slave is to give evidence where his owner, or manager, or any *White* person, is charged with a capital crime.—How strangely the principles of West India legislatures vary, even on such a point as this. Grenada and Tobago admit the evidence of Slaves in the very case in which St. Vincent and Dominica exclude it. But besides the defects which have been noticed, more numerous and still greater violations of all just and enlightened principles of legislation are to be found in the new law of St. Vincent, than even in that of Grenada.

The whole of the alleged improvements, in the Slave codes of our different Colonies, has now passed under revision, with the exception of Dominica. The parliamentary papers, however, having given only the draft of a bill for that Colony, with the blanks not yet filled up, it would answer no purpose to examine it. And even if, as has been stated, that bill has actually passed the different branches of the legislature, it would constitute no improvement in the legal condition of the Slave, as compared with the act of the same island, passed in 1788. There is nothing in it really new, except that females are not in future to be whipped *in public*, and so as to occasion any *indecent* exposure; and that a register is to be kept of punishments. The clauses in the new act about religion, and the observance of Sunday, fall even below those of

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the old act, which are admitted to have been wholly inoperative; while the clauses in the former act on marriage, and the violation of the purity of married females, so much vaunted at the time of its passing, are wholly omitted in the new. The clause on Slave evidence appears to be of the same restricted kind as that passed eight or ten years ago.

Such then is the result of that reference of the great work of Colonial Reform, which was made to the local assemblies nearly three years ago. The most cursory reader will at once perceive how widely different is that result, not only from what was originally proposed by the Government, as the first step in the progress of that reform, but even from the statement recently made, as from authority, in the House of Commons,* of the ameliorations that had actually been effected.—That statement is reported to have been to this effect, viz.—*That, since May*, 1823, *of the Colonies having legislatures of their own,* EIGHT *had taken measures with respect to religious instruction; the observance of Sunday; the giving security to the property of Slaves; the modification of punishment; and the abolition of the driving-whip:—That* SEVEN *had admitted the evidence of Slaves; and had given facilities to manumission:—That* FIVE *had legalized marriage; prohibited the separation of families; and abolished the flogging of females:—That* FOUR *had prohibited the sale of Slaves detached from the estate: and That* TWO *had established saving banks.*

Now, instead of having this flattering picture of improvement realized, it turns out, that, even if we include Dominica in our estimate, only FIVE of the Colonies, out of thirteen, having legislatures of their own, have done any thing whatsoever towards carrying the resolutions of the 15th May, 1823, into effect; and

Of these five,

NONE have done any thing with respect to religious instruction.†

ONE (Tobago) has abolished Sunday markets.

FOUR (Tobago, Grenada, St. Vincent's, and Dominica) have given a very limited protection, in certain cases, to the property of Slaves.

TWO (Tobago and Grenada) have lowered the scale of arbitrary punishment by the master.

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* On the 28th of February, 1826.

† We are aware of the statements on this head which have been made, both in the House of Lords and in the House of Commons; but they do not go in the slightest degree to invalidate the position, that nothing has been done by Colonial legislation for the religious instruction or for the education of the Slaves, since May, 1823. The passing of a law to regulate the ecclesiastical jurisdiction of the Bishop, or the raising money to build a church, are both very proper measures; but they do not constitute either religious instruction or education, except in the view of those who conceive that when a clergyman has received 4500 dollars for baptizing 9000 Slaves in a year, or two years, he has made them all Christians. Barbadoes, for example, has had eleven, and Jamaica nineteen, Churches, for at least a century. It is stated, as a proof of the religious zeal of the people of those Islands, that they are about to build another. This is very laudable; but will this twelfth or twentieth church do for the Slaves more than the former eleven or nineteen? The bishops and clergy lately sent may, without doubt do much, if they are so disposed, for the religious instruction and education of the Slaves: but they are appointed by the Crown, not by the Colonies.

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Two (Grenada and St. Vincent's) have made a mere shew of abolishing the driving-whip.

Three (Tobago, Grenada, and St. Vincent's) have admitted the evidence of Slaves in a very limited degree.

None have given to the Slave the power of effecting his manumission by purchase.

One (Bahamas) has legalized marriage, and two (Grenada and St. Vincent's) have permitted it in certain cases.

One (Bahamas) has prohibited the separation of families, either by private or judicial sale; and one (Grenada) has prohibited it by judicial sale.

None have abolished the flogging of females.

None have prohibited the sale of Slaves detached from the estate.

None have established saving banks.

And now, after reading this meagre statement, let any man look carefully at the vain and inefficient, and often contradictory and unjust provisions, by which it is pretended to ensure even the scanty measure of improvement which the most partial advocate of the Colonies can deduce from these papers, and he must feel convinced, that no useful or consistent legislation is to be expected by continuing to pursue the present course. Delay and disappointment can be its only results.

In the first place, the great mass of the enactments are framed in direct contradiction to the admirable principle involved in the following passage of one of Lord Bathurst's letters to the Governor of the Bahamas:—"Since the superiority of rank and education which belongs to the White inhabitant, is an aggravation of the offence committed by him, there is *an injustice* in assigning to the aggravated offence the minor punishment." He also condemns those clauses which enact that a severer punishment should be inflicted on a crime committed by a Slave, "whose ignorance is an extenuation of his guilt," than by others, "for whose guilt no such extenuation can be presumed." And yet it is the uniform character of the, so called, *meliorating* laws which have now been reviewed, that they are built upon this reprobated principle.

The enactments in question are further at war with the important principle laid down in a late debate,* by such high authorities as Mr. Canning, and the Attorney General, namely, that it was indispensable to the ends of justice, that there should be, both in form and in substance, an equal administration of it to White and Black. These enactments proceed on a totally different principle.

Further, even those provisions of law which wear the semblance of amelioration, are almost all destitute of adequate sanctions, or of an executory principle; and they are all confided to the administration of the very men whose power it ought to be their object to control, and against whom it is the universal feeling of the country, that the Slave requires to be protected.

In short, if such impotent and evasive enactments, as most of those now laid before the public, are to be represented, under the sanction of the highest authority in the state, as "Slave meliorating provisions;" and if some of the views, as far as we understand them, which have been

* On the motion of Mr. Denman, the 2nd of March, 1826.

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developed, or rather hinted at, in certain quarters, are henceforth to regulate the measures to be taken in respect to Slavery, the hope of an early and effectual reform, not to say extinction, of that opprobrious condition of society, is, to say the least, very greatly discouraged.

But here the Colonists, and their friends in this country, meet every call for parliamentary interference, by using, in order to combat the expediency of that line of policy, the very arguments which have been advanced in its favour. "It is utterly impossible," they say, "and your own statements prove it, that Parliament can legislate effectively for the Colonies, unless the Colonists become the willing and concurrent executors of its enactments. No benefit can be hoped for, from laws, however excellent, which the courts and juries of a country combine to frustrate or to elude. The feelings and prejudices of the community will triumph over the most skilfully framed statutes."

It would be vain to deny that a very formidable difficulty is here brought forward, and that if it admits of no satisfactory solution, the evils of Colonial bondage are irremediable, except by one of those convulsions which shall suddenly and irresistibly burst the chains that bind the Slave, involving, perhaps, him and his master in one common ruin. For that the Colonists will of themselves frame and execute laws, which shall carry into full effect the recommendations of His Majesty and the wishes of the nation, is what no one, who is acquainted with their sentiments, can be weak enough to suppose. *They* see nothing but ruin in every measure *tending* to emancipation; and they will not, they plainly tell us, be themselves the artificers of that ruin.

But "what," it is asked, "can Parliamentary legislation effect, to obviate this formidable and fatal difficulty?" The question requires, and shall receive, a distinct answer.

1. In the first place, it will be admitted that good laws are better than bad laws. In as far as the Colonial statutes are chargeable with a want of uniformity and consistency; with gross inequality and injustice; and with the absence of adequate sanctions and executory provisions; it would clearly be in the power of Parliament to apply a remedy. The object of Parliament would be to give effect to its own wishes and resolutions: the object of the Colonists, in all the Colonies, is rather to resist, and, if they cannot resist, to elude, their accomplishment. Here, at least, would be a manifest advantage on the side of Parliamentary legislation. And when it is considered how very contracted is the White population of most of the Colonies, and how large a portion of that class are necessarily in low and servile situations; and, of the remainder, how few are qualified, by their rank in life, and by the union therewith of intelligence and high principle, to form wise and enlightened legislators, in points at once so difficult, and so deeply affecting their pride, their passions, and their interests; it would evince an extraordinary disregard of the claims of humanity and justice, if, after experience has so fully confirmed all the deductions of reason on this subject, we should coutinue to delegate to them the task of legislating for the entire Black and Coloured population of our Colonies.

If it be doubted whether any good may be done by means of checks and sanctions, introduced into the Colonial Acts by some paramount

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authority, it is only necessary to refer to the Trinidad Order in Council. It is there provided, that the Protector of Slaves shall not be entitled to receive his salary until the returns, which are required from him, have been made in a complete and satisfactory manner. This single provision will serve to illustrate what may be effected by the judicious regulations of willing legislators, in enforcing even those laws which are obnoxious to the general feelings of a community.

2. But, in the second place, however well the laws may be framed, as to their letter, it must be admitted, that if the judicial administration of the Colonies remains on its present footing; if the Judges are still to be Planters, and to be dependent for their salaries on assemblies of Planters; comparatively little good would result from the improvement. But is it not the duty of Parliament to provide, not only that the laws should be good and just, but that they should be justly, and equitably, and faithfully administered? Would it make no difference in the character of that administration, if the offices of Judge, Attorney General, and Fiscal (to say nothing at present of Governors, and of Protectors and Assistant Protectors of Slaves), were filled by barristers of a certain standing, wholly disconnected from Colonial interests, with fixed and suitable salaries, altogether independent of the local assemblies, and receiving their authority and their instructions from the Crown? Would it make no difference, if the whole judicial administration were placed under the superintending care, and the responsibility of such intelligent and independent functionaries, receiving regular reports of every judicial proceeding from the inferior tribunals, and transmitting them, together with their own records, to the supreme authorities of the State, to be by them laid before Parliament? Would not the institution of this universal system of record, report, inspection, publicity, and consequent responsibility, go far, of itself, and still more when combined with the suggested change in the executive department of the law, to reform many of the existing evils of the Colonial system? And is it not in the power of Parliament to follow up its enactments for the improvement of the law, by such improvements in the administration of that law as have now been hinted at? And if in the power, is it not also, the duty, of Parliament to do so?

3. But it will be argued that, though something may be done, by reforming the judicial administration of the Colonies, to correct the existing evils of the Slave system, yet the juries must still be composed of men actuated by the prevailing Colonial prejudices, and equally ready as now to render nugatory every obnoxious law. Neither the Judges, however able and upright, nor the Parliament itself, can prevent the powerful influence of the *esprit de corps* on the minds of jurymen.

This is to a certain degree true. There is, however, a large department of the judicial administration which is entirely in the hands of the judges, independently of juries; and even in that department of it which rests wholly on the decisions of a jury, it cannot be supposed that the presence and dicta of an intelligent and unbiassed judge, and the system of revision and publicity which has been suggested, would not produce a very powerful and salutary effect on those decisions.

Besides this, there is another and obvious palliative at least, if not remedy, for the evil under consideration, in the admission to the jury

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box of those free Blacks and persons of colour, who are qualified by their property, and intelligence, and acquirements, to take a share in the administration of justice. Why should *they* be excluded? Have they not interests, and large interests too, at stake? Even foreigners have a right, when tried, to have a moiety of their peers foreigners like themselves. By what strange anomaly in British jurisprudence is it that native born subjects, men possessing a common interest in the state, shall, (not on account of the want of a qualification as to property, or intelligence, or loyalty, but on account of the varying shades of their complexion,) be excluded, as a degraded caste, from the first and dearest right of the British Constitution, a trial by their peers?

That such reforms are in the power of parliament; and that, if made, they would improve the administration of justice, and afford increased security to the slave, and thus obviate the only solid objection to parliamentary legislation, cannot be questioned; and without parliamentary legislation, what hope exists that slavery will either be materially mitigated, or finally extinguished?

The object of these pages has been fulfilled. It would therefore be out of place to enter upon a variety of questions, foreign to its immediate purpose, though connected with the general subject, to which the public attention has recently been directed by various publications, particularly by a pamphlet entitled "The West India question practically considered," and to which rumour has assigned somewhat of an official origin.

That pamphlet, though it be impossible now to enter upon it, may require an early discussion. This remark, however, has no reference to the pains the author has taken to convince the world that the views entertained by the leading abolitionists, in 1826, on the subject of the necessity and expediency of legislative interference with the colonies, has undergone a great change since 1792, and even since 1807. This fact is not only admitted, but stands forward as the very ground of their recent proceedings.* But if they then placed, it may be, an unwarranted, but nevertheless, a liberal, confidence in the purposes of the colonists, with respect to the improvement of the condition of their slaves, are they, or those who have entered into their labours, to be blamed as wanting in good faith, because the painful experience of twenty years has satisfied them that their confidence was misplaced, and all hope of improvement, except from parliamentary interference, vain and illusory?

On this point the author may enjoy his victory undisturbed. There are other questions however from which not only the Anti-Slavery Society, but the whole British public will dissent, and which are either distinctly stated, or may be deduced as fair corollaries from the reasoning employed in this and some other kindred writings. Such, for example, are the following:

That because the British parliament and people have participated largely in the crime of slavery, they ought not, though convinced of its guilt, to cease from it, lest some of the guilty should cease to profit by it.

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* See substance of the debate of 15 May 1823—Preface, p. xi.

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That because great cruelties are among the *necessary* incidents of slavery, it is our duty not to make a noise about them, but quietly to acquiesce in what cannot be prevented.

That though it is of the very essence of despotic power to be abused, and its existence has hitherto been deemed a curse, yet such is the peculiar character of our colonists, that the most unmeasured despotism ever exercised by man over his fellows is converted, in their case, into a blessing to the subjects of it.

That though it may be proved that the slave population of our colonies are in the singular situation of being a diminishing population, yet we are bound, in common courtesy, to believe that they are leniently treated, moderately worked, well fed, clothed and lodged; because many *honourable* men, the masters of these slaves, have affirmed the fact.

That it is so great an evil to irritate and provoke the colonists, that we must not call the crimes they commit by their appropriate names, but speak of them as the unfortunate accidents of their unfortunate situation.

That on the same principle, we must be content to indulge them for a few years longer, until they can be weaned from former habits, with the privilege of lacerating the flesh of men and women, and of urging them to their uncompensated labour like cattle by the lash.

That though the colonial legislatures have hitherto framed their laws in such a manner as to deprive the Slave of all effective legal protection; and though they protest against giving him any civil rights as utter ruin to themselves; they are still to have the abused trust of legislating for him confided to their hands.

That though it is admitted that slavery is a bad and vicious system, debasing the slave and corrupting the master, and though it cannot be affirmed that those who are born of slaves are incapable of being reared for the duties and rights of freemen, yet the government and parliament of Great Britain are bound to retain, in all the acknowledged vices of slavery, the successive generations of the negro race, until it shall have been ascertained that the value of an acre of land in Demerara may not suffer some depreciation from educating them as freemen.

That for Black men, especially if they live on the edge of forests, and on a fertile soil, slavery is a condition of life infinitely preferable to freedom.

That though sugar planting, as conducted in our colonies, has been proved to be the most deathful of all the branches of slave culture, those, nevertheless, are guilty of cruelty and injustice, who refuse to buy the sugar thus raised at the price of blood, or who protest against paying largely in bounties and protecting duties to enable the planters to continue thus to raise it.

That though this deathful occupation has been over and over again admitted by the planters to be unprofitable, nay ruinous, still we are bound, in deference to their wishes, to apply large sums to its support.

That though our manufacturers are starving for want of a market for their productions, and though India opens an indefinite field for the consumption of those productions, we must dam up this easy channel of relief, lest we should be deprived of the pleasure of paying the West India Planters a compensation, in bounties and protecting duties, for the destruction of Negro life, caused by sugar planting and sugar manufacturing.

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That though it cannot be denied, that the free Blacks and people of Colour, of Jamaica, Grenada, Trinidad, &c. (themselves emancipated Slaves, or the descendants of such,) have been growing in wealth, intelligence, and respectability, notwithstanding a variety of heavy restrictions and oppressions under which their industry labours, it still remains a problem to be solved, whether, as a tropical sun is hot, and tropical soils productive, emancipated Slaves will ever think of bettering their condition, or whether, on the contrary, they will not merge again into an inert and savage state.

That although, according to West Indian statements, the Negro Slaves, who are all, of course, well fed and clothed by their masters, and therefore stand in need of nothing, do, nevertheless, while they continue in slavery (such are the blessed fruits of that state), employ their small pittance of time so industriously and to such advantage, that many of them abound in wealth and luxuries; yet, the same Negroes, if manumitted (such is the baneful effect of freedom) would likewise make no effort whatever to better their condition, but would sink into penury, and wretchedness, and into a greater degree of moral degradation than ever.

That though it is admitted that the British nation and the Colonists have been guilty of a great crime, in subjecting the Negroes to Slavery, yet compensation is due, not from the criminals to each other, or to the victims of their crime, but is due from the Negroes to their oppressors; and that in order to furnish this compensation to the criminals, the unoffending victims of their crime must be retained, for ages if need be, in their present abject and degraded state.

And lastly, that though some of the executive officers, entrusted with the administration of the Colonies, may entertain and promulgate such views as these, Parliament, and the electors of Parliament, are bound still to wait, in patience and silence, the developement, in some future age, of their wise and philanthropic plans.

Leaving these and similar positions of our author and other Colonial writers to produce their effect on the Electors of Great Britain, it will be sufficient to say, that as the Colonial interests have found in him a zealous and certainly an able advocate, so neither will there be wanting, both in and out of Parliament, advocates, if not so able yet no less zealous, of the interests of the Negro race, who will be ready to expose such positions as these to the reprobation they merit. Let justice, indeed, be done (and who resists it?) to the claims of the Planters upon the British nation; but let it not be done at the expense of their wretched bondsmen. These, Mr. Dwarris, himself a West Indian, has told us, with an emphasis and eloquence we should in vain attempt to rival;—these poor outcasts from the pale of humanity, in one at least of our Colonies, even when "MAIMED, MUTILATED, DISFIGURED, AND DISMEMBERED;" have their "WOUNDS," as "THE ONLY TONGUE TO RELATE THEIR WRONGS."—But they will find, in free and happy England, if no where else, some who will put a tongue into those wounds, which will make all the cold-blooded sophisms and unstatesman-like and unchristian paradoxes that have now been exposed, to shrink into their due dimensions of littleness and imbecility.

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THE QUARTERLY REVIEW.

The hostility of this work to the Anti-Slavery cause is well known. An article which appeared in the 65th Number, has been briefly noticed in the Society's Third Report. The 66th Number, which has recently been published, contains a less able but a more virulent article of the same description. It would be impossible in the brief space which is left, to notice a tythe of the misrepresentations, gratuitous assumptions, and false reasonings with which it abounds. We must content ourselves with noticing a few of its false facts, and for that purpose we shall transcribe entire a passage which occupies a little more than a page of the Article, and add in the margin a few brief observations upon it. Our readers will judge how far such a work merits encouragement.

"There is, indeed, one circumstance external to the real merits of the case, which we can easily believe to have some influence—and that, to whatever it may amount, most unpropitious—on the minds of our colonists. We allude to the manner in which their characters are suffered to be assailed, too often without even an attempt at any answer, in the House of Commons.* It is from that House that they consider the Regulations in question as emanating; can it possibly dispose them the more willingly to accept of such suggestions, to read in the newspapers that such a lawyer and such a gentleman as Mr. Denman permitted himself, and was permitted by others, to speak in St. Stephen's chapel, of *one* of the conspiracies detected in Jamaica, in 1823-4, as, having been '*got up*'—a mere trick in short, a cunning, politic, bloody little jest of a knot of Jamaica magistrates? Is it wonderful that the minds of these men, and the minds of those who know them, should boil with scorn and indignation when the account reaches the colony?—a conspiracy got up! and by whom?—not merely by the magistrates who tried the case, for the evidence in the case was submitted to the Governor of Jamaica, and the sentence executed under his warrant—and it is from the character of the evidence itself that Mr. Denman pronounces the conspiracy to which it refers to have been a trick *ab ovo*.† And what

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* It was the *conduct*, not the character of the Jamaica magistracy which was assailed in the House of Commons on this occasion. And was it by Mr. Denman and the Abolitionists alone that it was so assailed? The Attorney General said, "No man could reprobate more strongly than he did the whole system of the administration of justice in our colonies."—"The system deserved reprobation in the highest degree."—The Solicitor General "agreed fully with his Hon. Friends opposite, as to the hated and accursed nature of the system of slavery, and he went along with them in desiring the Abolition of it and its evils." Mr. Canning said, that "in ALL these proceedings, it was to be lamented, that Negro life was put to hazard, and Negro blood shed by a system totally different from that which was applied to White men." He spoke also of "these disgusting tribunals," and of the "moral atrocities" of the system. Was there any thing in Mr. Denman's speech which could be more offensive to West India feeling than such expressions as these?

† The Reviewer seems determined to blow the coal of hostility between the Colonists and the Abolitionists. He has certainly given an unfair and exaggerated representation of Mr. Denman's speech. The gravamen of that speech, however, in the estimate of the Reviewer, is the clear and decided opinion which it expressed that the conspiracies of Jamaica were "got up." And what is there so very offensive in this opinion? Does not the Reviewer himself in the very same number of his work speak without reserve of "the cruel and infamous persecu-

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was the purpose that all these worshipful magistrates and their noble accomplice had in view?—Why, according to Mr. Denman, it is their interest that the people of England should believe there are conspiracies in Jamaica! For such purposes, the Gentlemen of Jamaica and the Duke of Manchester commit judicial *murders!* But was there ever such a shadow of pretence for this enormous cruelty? This conspiracy was only one out of *three* that took place in the same island within the same twelve months: the evidence in regard to the other two insurrections, Mr. Denman does not dare to attack—and that in regard to the *Hanover* business, he expressly admits to be conclusive and unanswerable. Were two conspiracies in the year so very scanty an allowance? Were these 'white devils' of Jamaica determined to sup so very full with horrors?*

"In the 'Picture of Negro Slavery,' &c. a pamphlet lately published under the authority of the African Institution,† *all* the three‡ conspiracies—that of which *Mr. Denman* admits the proof to be complete and satisfactory,§ as well as the others—are boldly pronounced to have been 'got up.'‖ It is also added, that in none of these conspiracies the pri-

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tion, commonly called the Popish Plot, when a vertigo seemed suddenly to possess the heads of the people of England, rendering them incapable of distinguishing truth from falsehood, justice from oppression, or common sense from the grossest absurdity. The Earl of Shaftesbury, the foster father of that most wicked delusion," &c. (p. 286.) Hard words these, Mr Reviewer. And why should Mr. Denman be blamed for supposing that, even in the immaculate island of Jamaica, some men as base as Shaftesbury might have found in Corberand, &c. instruments as base as Titus Oates, to work on the fears of the good people of that colony, until *their* heads also were possessed with a vertigo, rendering them incapable of distiuguishing truth from falsehood, justice from oppression, or common sense from the grossest absurdity? Men deluded by the knavery of others may be weak, but they are not necessarily accomplices: and therefore, it would be as unreasonable in the whole body of Jamaica Colonists to feel themselves assailed in their character by the allegation that their plots were got up, as it would be in the body of the English nation in Charles the Second's time, to resent the statement that Titus Oates's plot was got up. The Reviewer, therefore, in his comments on Mr. Denman's speech, and the Anti-Slavery pamphlet, is acting the part of a mere firebrand.

* This statement from beginning to end is a misrepresentation of the facts. There were *four* alleged conspiracies in Jamaica, not three. Mr. Denman denied that any of them was entitled to be so denominated, not even the disturbance in Hanover. There, he admitted, that outrages had been committed which justly merited punishment, but he maintained that these outrages were not the result of any preconcerted scheme to which the name of plot or conspiracy could be given, but were produced by the irritation of the moment, and by sudden and unforeseen provocation. He distinctly stated his opinion, that there was as little ground for the alleged conspiracies of St. James's and St. George's as for that of St. Mary's.

† This pamphlet did not proceed from, nor was it sanctioned by the African Institution.

‡ There were four, not three.

§ Mr. Denman made no such admission.

‖ The Jamaica conspiracies are represented to have been got up as the Reviewer represents the Popish Plot to have been got up. The cases are remarkably similar. But, it is not true, that the pamphlet in question does not distinguish between the Hanover trials, and the others. It expressly states, (p. 60.) "We must do the gentlemen of Hanover the justice to say, that it is the only affair which wears the semblance of a conspiracy. There we have at least some overt acts of violence—something which, to a certain extent, might justify alarm,

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soners were allowed the benefit of counsel :* a statement in *direct opposition to the truth*, as may be seen by any one who refers to the parliamentary papers, of which this pamphlet professes to be an abstract, and in which the names of Mr. Burke and Mr. James, counsel for the prisoners, occur *passim*.† In *one* of the cases, it is true, no counsel is named as having been present on the part of the accused : but the reason was, that the accused were all the slaves of one gentleman, who had formerly practised at the bar, and who appeared at the trial, without gown or wig to be sure, to do all that any barrister could have done for his dependents.‡

" Mr. Denman quoted from the record of his ' got up' conspiracy, a letter, in which it was said that,' only one of the wretches confessed the crime before execution.' Mr. Denman sees in this sentence only the word *wretches*, and expresses his indignation at the magistrate and murderer who could use such a word upon such an occasion. But, after all, why did any one negro, and above all, why did this one negro *confess?*§ —Was Obeah Jack, too—the ringleader—the only one of the set that could not possibly hope for pardon at any period of the investigation—was he, too, with the rope about his neck, a member of the dark-souled junta that *got up* the conspiracy for the purpose of persuading the people of England that parliamentary discussions have an unpleasant effect in the colonies?

" It may be as well to remark, that the authors of the African Institution's pamphlet, entitled " England enslaved by her own Slave Colonies," suppress entirely the fact of this Obeah Jack's confession.‖ This conduct is much bolder than Mr. Denman's."

Quarterly Review, No. LXVI. p. 516.

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and punishment too." In all the cases, there was at least this presumptive risk of their having been got up, that the principal witnesses knew beforehand that reward awaited the discovery of a plot, and the conviction of plotters.

* This is another false assertion on the part of the Reviewer. The pamphlet, which he pretends to quote, confines the remark respecting the absence of counsel to two cases, namely, St. Mary's (p. 41. Note), and Hanover (p. 63.) ; and the last passage expressly states, that " in this instance also the slaves appear to have had no legal advocate, or even solicitor ;" meaning, in this instance, as well as in that of St. Mary's.

† These names do not occur *passim*. They occur only in one of the trials.

‡ " In one of the cases."—In which ? In that of St. Mary's, or of Hanover, where alone the pamphlet says there was no counsel ? It cannot be St. Mary's to which the Reviewer alludes, because the proprietor of seven of the St. Mary's convicts, Mr. Sterling, did not reside in Jamaica, but in Great Britain, and the proprietor of the eighth was no barrister. It cannot be Hanover, because Mr. Malcolm, the proprietor of almost all the convicts in that parish, was himself the prosecutor, and a witness for the crown.

§ Mr. Denman expressed his disbelief, that any one of the St. Mary's convicts had confessed his guilt. If he did, why were not the particulars of his confession produced? It is not denied that a respite was offered to any one, or two, or three of the convicts who would make a disclosure of the plot. If this " wretch" really confessed, how happened it that he was executed with the others, and that the promised mercy was not extended to him?

‖ This pamphlet is no pamphlet of the African Institution, any more than that before referred to. The name of Mr. Stephen is attached to it. It does not suppress the fact of Obeah Jack's confession, because it has not approached the subject at all. We suppose, that the Reviewer really meant to attack, not Mr.

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VISCOUNT DUDLEY AND WARD.

This Nobleman has of late taken so conspicuous a part as an advocate of Colonial interests, and has laboured with so much zeal to discredit the efforts of the Anti-Slavery Society, that it becomes a matter of some moment to ascertain the degree in which he has acquired a title to guide the public opinion on this point. Without doubt he possesses many claims to respect, distinct from his high rank. He has steered an honourable and independent course in political life. He has sedulously cultivated talents of no mean order. He has distinguished himself by his acquisitions in the science of political economy. And he has ever been forward to promote the general diffusion of knowledge.

But the circumstance above all others which produced a favourable impression of his Lordship's character upon our minds was a speech which he delivered in the House of Commons on the 6th March, 1807. The question was the Abolition of the Slave Trade.

His Lordship, then Mr. Ward, observed, that "The questions which arise upon this bill respect the inhumanity and impolicy of the slave trade. On the former, so strong a case has been made out that it is almost unnecessary to add anything; and with regard to the latter, even if I were convinced that the argument of humanity was groundless, yet I should think myself bound to put a period to it on the score of policy, as I would in cases of robbery, piracy, and other crimes."*

"The two principal arguments urged in opposition to this measure are the depopulation of the Colonies and the diminution of culture." After expressing his belief that neither of these effects would follow, he added, "*It is a fact which needs no evidence to support it, that the*

Stephen's pamphlet of "England enslaved by her own Slave Colonies," but the same pamphlet which he has already so liberally misrepresented, "A picture of Negro Slavery," &c. Now, if the facts stated by Oheah Jack, had been given in evidence on the trials either of the St. Mary's or the St. George's conspirators, they might, so far as they go, have added some slight presumption to the manifestly worthless evidence on which these men were condemned. But Oheah Jack's confession was no evidence. It was not made until the men were already hanged whom alone it could affect, if we except indeed Corherand, against whom, and in a spirit of revenge to whom, it appears to have been framed. To whatever weight it may be entitled, it cannot weigh one feather in vindication of previous convictions and executions. But, in our opinion, under all the doubts which naturally attach to its correctness, as to that of another Jack of still more famous memory, Jack Gladstone, of Demerara, it does not merit the very slightest mention as affording any corroborative evidence of an armed conspiracy. Where are the arms? Corherand is still alive. Is he not accessible to a sufficiently high reward, now that his life is safe, to induce him to point out the place of their concealment? Oheah Jack says, that Corherand alone can tell where they lie concealed. What motive can he now have for refusing to make the discovery?

* How are plain men to distinguish between slave-trading and slave-holding, so that while the one is a felony of the worst order, the other is a guiltless practice? It would, probably, puzzle them to decide which crime was the worst, that of stealing men, women, and children, and selling them; or that of buying these stolen men, women, and children, and dooming them and their posterity for ever to a cruel and hopeless bondage, to interminable and uncompensated toil, and to moral and intellectual degradation, and all for the sake of personal advantage.

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human race is prevented by nothing but ill treatment from multiplying as fast in the West Indies as in every other country where the bounty of nature is not cramped by mischievous institutions."

As to the discontent which it was alleged was likely to be excited among the slaves by passing this bill, his Lordship remarked, "I can never believe that when you have begun by tearing the African by fraud and violence from his native country, it needs the act of the legislature to inform him that it is done by the violation of all justice. *Why may they not at length learn, that their lives and labours have become more important in the eye of the Imperial Legislature;* and that more regard will be paid henceforward to their health and comfort? If the predicted mischiefs were in reality to be dreaded, I fear that they would already have been felt by the planters, *for the injustice of the servitude in which the negroes have been held, might not only have been learnt by the perusal of the debates on the subject in this House, but it might have been known by the inspection of the English Statute Book, where slavery is regarded with the utmost abhorrence.*"

He thus concluded his speech, "*These, Sir, are reasons which apply as well to the total abolition of slavery as to the termination of this trade. And if I did not believe that this measure would ultimately tend to the emancipation of the negroes, I should be inclined to oppose it as an improper compromise between the British parliament and the West India planters.*"*

After such a speech as this, his Lordship, if he has since changed his opinions, might have at least exercised some forbearance towards those who have retained them, and spared a little of the vituperation which is issuing, in the shape of a pamphlet bearing his Lordship's name, from the great Colonial Mart in Albemarle-street. Is it less true now than it was then, that "the human race is prevented by nothing but ill treatment from multiplying as fast in the West Indies as in every other country where the bounty of nature is not cramped by mischievous institutions?" And why should his Lordship charge those with intemperance and exaggeration, who, reasoning on his own principles, affirm, that the continued decrease of the slaves in Jamaica must find its cause in the same unfailing source of depopulation to which his Lordship has so justly referred it? If his Lordship was of opinion in 1807 that it was time the negroes should learn that *the Imperial Legislature was interested in their well-being*, surely a delay of twenty years, during which nothing effectual has been done to improve their condition, does not make the obligation less urgent. Or is the refusal to take the necessary steps for the emancipation of the negroes less a compromise of principle now than in 1807?

At the time the above speech was made, his Lordship had, we admit, the prospect of inheriting a considerable West India property, of which he has since become the possessor. His father was the proprietor of estates in Jamaica, the population of which regularly increased.

It does not appear, however, that the slaves of Lord Dudley and

* See substance of the debates on the Bill for abolishing the Slave Trade printed for Phillips and Hatchard, 1808, p. 165.

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Ward are now any longer distinguished by that rapidity of increase which is his own criterion of good treatment. On the contrary their numbers have of late been stationary, or rather diminishing. In March, 1820, the population of his estates amounted to 640. In March, 1823, it amounted only to 636. We leave this fact for his Lordship to explain without any further comment of ours, or without venturing even to surmise how far his late speculations in sugar planting, and their results, (we allude to his new sugar estate of New Yarmouth, in Vere,) may have operated in checking the increase of his slaves, or may have affected his opinions on West India subjects.

We have given the predecessor of his Lordship credit for the physical comfort which his slaves enjoyed. We will assume that under his Lordship's dominion, as far as the directions of non-resident proprietors can avail, their physical comfort has continued to be anxiously studied. But the notice with which his Lordship has honoured the Anti-Slavery Society justifies us in putting a few questions to him relative to the condition of his slaves in other respects. We beg to ask therefore,

1. Has a single step been taken to give religious instruction to his slaves? A year ago, we learn from good authority, none had yet been taken.

2. Eager as his Lordship has shewn himself for the diffusion of general knowledge, has any, even the lowest form of education, been afforded to the 400 or 500 children, who, since his Lordship's speech in 1807, may have been born on his estates?

3. Has Sunday been a day of repose and instruction to his slaves?

4. Have his slaves, women as well as men, ceased to work under the lash and without wages from morning to night, and during crop-time for half the night?

5. Is not the whip still the instrument of punishment for men and for women? If not, when did it cease to be so?

6. Has a single marriage ever been celebrated among the slaves on his estates?

We put these questions to his Lordship with the less scruple because we believe that on the whole the state of his slaves is more favourable than that of many other planters. Still we are persuaded that a full and candid reply to them would prove all we contend for as to their low and degraded condition.

This, and all other publications of the Society, may be had at their office 18, *Aldermanbury; or at Messrs. Hatchards,* 187, *Piccadilly, and Arch's, Cornhill. They may also be procured, through any bookseller, or at the depots of the Anti-Slavery Society throughout the kingdom.*

London: S. Bagster, Jun. 14, *Bartholomew Close.*

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London, 18, *Aldermanbury*, *June* 30, 1826.

No. 13.

ANTI-SLAVERY MONTHLY REPORTER.

The "ANTI-SLAVERY MONTHLY REPORTER" will be ready for delivery on the first day of every month. Copies will be forwarded, at the request of any Anti-Slavery Society, at the rate of four shillings per hundred. All persons wishing to receive a regular supply are requested to make application to the Secretary, at the Society's office, No. 18, Aldermanbury, and mention the conveyance by which they may be most conveniently sent.

REPORT OF THE BISHOPS OF JAMAICA AND BARBADOES ON THE STATE OF THEIR RESPECTIVE DIOCESES.

IN one of the communications lately made to Parliament by His Majesty, is contained a Report from the Bishops of Jamaica and Barbadoes, to Lord Bathurst, a brief abstract of which may not prove uninteresting to our readers.

I. REPORT OF THE BISHOP OF JAMAICA.

"The general result," his Lordship observes, in a letter, dated 16th September, 1825, of his and his Archdeacon's observations, "is a *hearty* desire, on the part of the proprietors, and their representatives, cheerfully to promote, as far as their limited means will allow, any measures which I have thought it my duty to suggest *for the benefit of the church*. Public meetings have been called in many parishes, and private subscriptions entered into to promote *the same desirable object*."

"With respect to the instruction of the negroes," he adds, "I have *proposed*, by way of *experiment*, that the children of three or four contiguous estates should, with the consent of the proprietors, be assembled twice in the week, at some given point most convenient for all, there to receive *oral* instruction from any clergyman or catechist *properly licensed*. From *the best consideration* I can give the subject, and from *experience*, I know of no method, *in the present state of public opinion here*, liable to so few objections, or better calculated, from its probable effects on the adults, to lay the foundation of permanent good."

In this communication, two points are particularly noticed by the Bishop—what has been done *for the benefit of the church*, and what has been done for the *instruction of the negroes*.—On the first point, something appears to have been done. The Bishop expresses great satisfaction in being able to announce that a bill, for placing *fully* and

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effectually, in his hands, the ecclesiastical regimen over the clergy, had passed into a law. By this act, he adds, the clergy are exempted from the interference of parish vestries, and the minimum of their salaries is raised to 600*l.* currency per annum.

On the second point, *the instruction of the negroes*, instead of equally effective measures, we have only a very moderate *proposal* on the part of the Bishop, and that only by way of *experiment*. And, to avoid any collision with *the present state of public opinion* in Jamaica, his Lordship limits this proposal to the communication to the slaves of ORAL instruction only, intimating clearly that the general state of feeling among the planters is such as to render it unadviseable to teach the negroes to read. How long it may be before even this modest and measured proposal is carried into effect, it were rash to decide. If the process, which the Bishop states to be expedient, should be pursued, some considerable time must elapse before even the *oral* instruction which he ventures to hint at shall be communicated; and the whole existing generation may have passed away before public opinion is so improved as to admit of any thing beyond it. Nay, in a letter, dated Oct. 17, 1825, the Bishop tells Lord Bathurst, that he feels *convinced* "that the erection of additional places of worship must *precede* every *other* method of instruction." "Schools will naturally follow in the train of churches, and *the prejudices against education* must be *gradually* removed by the effects of regular attendance on the house of God."

What a dark and discouraging prospect does this report of the Bishop hold out to us! Before the negroes can be educated churches must be built; and the prejudices against education must then be *gradually* removed by the preaching which is to take place in those churches, the salutary effect of which preaching is to depend on a regular attendance in the house of God. He does not explicitly state who the parties are who entertain the prejudices which it will require this lengthened and gradual course of public teaching to encounter and remove. We presume they are the planters, and not the slaves. But, in what way is the Bishop to ensure the regular attendance of the planters in his churches, even should the additional churches he recommends be built? If their prejudices be so strong, as they now are, against the end which he proposes, viz. the education of the slaves, will they not be equally set against the means by which he proposes to attain that obnoxious end? Of this, at least, we may be well assured, that if the negroes are not to be educated until the requisite places of worship are first built, and then until the prejudices of the planters against education are removed by the lessons taught them there, we need not indulge a very sanguine hope of any early improvement among them.

We certainly cannot see with the Bishop, that by any necessary connection of cause and effect, the erection of churches "*must* precede *every other* method of instruction." For our own part, we should have thought, that the negroes *might* be orally instructed, and *might* even be taught to read, though not a single additional place of worship were built. We equally question the correctness of the Bishop's reasoning, when he says, that "*Schools will naturally follow in the train of*

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churches." The fact, at least, is against him. Churches have existed in Jamaica for 150 years, and not one negro school has hitherto been erected.

But what, we would ask, in the name of common sense, is to prevent schools from being erected, and children from being taught, before, as well as after, churches are built, or contemporaneously with them? The Bishop himself, if he would speak out, might tell us—(he has indeed, already told us so, by implication)—Nothing but the inveterate prejudices of the planters *against education*, that is against the improvement of the negro mind. While the Bishop so far defers to those prejudices, as thus to postpone the work of education, in the expectation of certain vague and hopeless contingencies, he may rest assured, he will continue to meet with that complaisance, on the part of the planters, which has given him so much satisfaction, and which has led them so heartily to promote his measures for *the benefit of the church.* They will even subscribe, and give their money for such a purpose, as freely as they now contribute it, notwithstanding *their limited means*, to the secret service-fund of the West Indian Committee at home, or to that for rewarding the labours of Mr. Macqueen;* provided the Bishop will be content to postpone the work of educating the negroes until additional churches have been built, until schools have followed those churches, and until the planters have been gradually preached out of their prejudices against the education of their slaves.

The Bishop proposes his limited plan of instruction as an *experiment;* and by way of recommending it to adoption, observes, that "from the best consideration he can give the subject, and from *experience*," he knows no method, "in the present state of public opinion, liable to so few objections, or better calculated from its probable effects on the adults, to lay the foundation of permanent good." Where he can have obtained any *experience* of the efficacy of such a plan, we know not.—When he says it is liable to few objections, he must mean, of course, on the part of the planters; and this may be very true, for without doubt, it is as inefficient a plan as even they could desire or hope for. But still, we do not very well comprehend how this plan, which is a plan for bringing together *children* for oral instruction, is to operate on the *adults*, and, through its effects on them, to lay a foundation for permanent good.

The Bishop, in his solicitude to accredit the efforts of the planters of Jamaica for the improvement of their slaves, has transmitted to Lord Bathurst what he seems to think a document of some importance. It contains the answers of the overseer of an estate, called Golden Grove, in the parish of St. Thomas in the East, the property of Mr Chaloner Archdeckne, to certain questions put to him by the Bishop respecting the treatment of the slaves under his charge. The answers of this overseer (who is in fact a witness in his own cause) are evidently, and very naturally framed in such a manner, as to produce what he conceives will be a favourable impression of his own conduct, and of the comfort

*. The assembly of Jamaica voted a sum of 3,000*l.* to this gentleman, in their last session.

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and happiness of the slaves he governs; and, this is clearly the impression made upon the Bishop. These answers, however, disclose some facts which when duly weighed ought to have a very different tendency, and which will be found to throw light on some of the difficulties the Bishop experiences in promoting education among the slaves. This overseer describes the "men" and the "women" as employed in cuting canes, digging cane-holes, and doing the hard work of the estate; the "boys" and the "girls" as employed in planting canes, &c; the "children" as employed in weeding the young canes, and doing other light work; and the *younger children*, just old enough to be taken from the nurseries, as employed in picking and carrying hog-meat, till they are big enough to be put into the gang above them. The first two gangs are followed by drivers, the last two by driveresses. Now does not this detail give a picture of continuous and compulsory labour, reaching from the full grown men and women to mere children, which sufficiently accounts for the reluctance of the planters to incur that waste of precious time which education must cause? If the children are in school, the weeding of the canes, and the picking of hogmeat, must of course be suspended while they are there.

But this overseer tells us that in the administration of punishment on this estate the whip is not now used for females, but only confinement in the stocks, or switches; for switches, he says, do not *lacerate* the skin; implying of course, that the cart-whip *does* lacerate the skin. And yet, while he allows that the switch answers every purpose of work and discipline with the women, though they, the women, "are always more refractory and difficult to manage than the men;"—yet he tells us, in the same breath, that the men continue to be punished with this lacerating whip. We should like to know, whether these switches are the ebony bushes, which, though they do not lacerate the skin, yet make the blood to start at every stroke.

This overseer further tells us, that "the treatment of the slaves is greatly improved, less labour is exacted from them, they have larger allowances than formerly, more time to cultivate their provisions, and much less punishment;" and "though much certainly remains to be done," yet a stricter attention is paid "to their comfort and happiness." Such has been precisely the language to which our ears have been accustomed, from the commencement of the slave trade controversy to the present hour. There has never been any present tense for cruelty in the statements of the planters and their friends. They will admit the justice of the charges formerly made against the system, but that system they affirm is now perfection itself. Now let it not be forgotten, that these charges were formerly repelled as vehemently and indignantly as they are repelled by the present race of planters, and, it may be justly added, with the same truth. In opposition to this overseer, we assert as an undeniable fact, that since the year 1816, there has been no beneficial alteration in the laws of Jamaica affecting the slaves, for the purpose either of ensuring to them better treatment, or larger allowances; or for abridging their hours of labour, which continue by law from five in the morning to seven at night; or for increasing the time for cultivating their provision grounds, which is

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still only twenty-six days in the year besides Sunday. And when we contemplate the universality and continuity of labour on this picked and selected plantation of Golden Grove;—how from earliest infancy the slaves are bound down to incessant drudgery,—can we wonder that the colonial bondsman should grow up in a resemblance rather to the brute than the human animal? And yet it must be admitted, that in St. Thomas in the East, from which this example is selected, the slaves have possessed for years very peculiar advantages. They have had the benefit of much faithful Christian instruction, both from the excellent rector of the parish, and his assistant, and also from the Methodist Missionaries; and they are therefore greatly advanced beyond their fellows. But after all, what a picture of toil and degradation does even this plantation exhibit! What must it be under masters less humane than Mr. Chaloner Archdeckne, and in those parishes of which the Bishop tells us, "The parishes in the interior are absolutely without the semblance of the forms of religious worship?"

But what is above all remarkable in this document, on which the Bishop lays so much stress, is the slight manner in which the progress of population is adverted to. We have been told by Viscount Dudley, (himself a Jamaica planter,) that the infallible test of the good and humane treatment of the slaves, is the increase of population. Now what has it been on Golden Grove, this selected instance of good and humane treatment? In March, 1820, the slaves on that estate amounted to 717. In March, 1823, they amounted only to 677; being a decrease, in three years, of forty, or nearly two per cent. per annum. Even if we deduct a certain proportion of the thirty-two, who are said to have fallen victims to the measles, we shall here have still a decrease for which to account; while in the United States, slaves increase at the rate of two and a half per cent. and almost as rapidly even in the Bahamas, where no sugar is cultivated as in Jamaica. Let us not deceive ourselves. It is not to any temporary cause, as the measles, to which this perpetual waste of the lives of the wretched negroes is to be ascribed, but to incessant and excessive labour. The women equally with the men perform all the hard toil of the estate, besides losing their rest in crop time. The boys and girls labour according to their strength. The children are made to stoop down all day, weeding canes, or performing similar work. And the very infants, when able to run about, are placed under a driveress, and have their tasks assigned them. Human life in such a climate cannot possibly increase under such a continuity of compulsory labour, from morning to night, and from infancy to age.

Besides this report of the overseer of Golden Grove, from which so much is to be learnt, we are also favoured with a report from the Rev. H. Beame, respecting the parish of St. James, in Jamaica. This gentleman resides on Montpellier, an estate of Mr. Charles Ellis, now Lord Seaford. He gives no account of any attempt which has been made to teach the children to read; only, once a week, on Sunday morning, (the children, we presume, being, like those of Golden Grove, in the cane-holes on other mornings,) some attend to be taught *orally* the Lord's Prayer, the Creed, and the ten Commandments. Mr. Beame labours hard to establish a difference in natural capacity between the children

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of African and of Creole slaves; holding that the negroes improve in intellect and capacity, and perhaps in moral habits, (such are the happy fruits of slavery and the cart whip, or its substitute, the ebony bush!) as they diverge from the African stock. Mr. Beame tells also some absurd stories about the modes in which the negresses procure abortion, though it is plain he can know nothing about the matter; indeed, he admits that he speaks from the information of others. He proposes likewise some absurd plans, which would go to postpone almost indefinitely, the work of negro instruction. "Polygamy is a vice to which *slaves*," Mr. Beame further tells us, "are attached; but," he adds, "it is found chiefly among the men." Has it ever been found, then, among the women?

A still more important document, however, than the report of Mr. Beame, is a tabular statement, by the Bishop himself, of the ecclesiastical condition of his diocese. We there find that, for the accommodation of a population which, including all classes, amounts to about 400,000, there are churches and chapels belonging to the establishment capable of containing only about 11,500 individuals. This is exclusive of Baptist, Methodist, and Moravian meeting-houses. The schools for the education of free persons contain nearly 700 scholars; being about one in eighty or ninety of the free population. The Bishop does not state that there are any schools *for the slaves*.

Such is the Bishop of Jamaica's ecclesiastical account of his diocese.

II. Report of the Bishop of Barbadoes.

The Bishop of Barbadoes makes a report, if possible, still more discouraging than that of his brother bishop. He was received, indeed, in the different islands of his diocese with great respect, and with assurances of a readiness to co-operate with him on the part of the planters; some of whom have explicitly stated, that they hail his appointment as "a happy means of defeating the designs and refuting the calumnies of their self-interested enemies." The planters of Barbadoes assure his Lordship, that they have "the most sincere desire to afford the blessings of religious instruction to their slaves;" though, weighed down as they are, they cannot "consent to such a subtraction of labour from the cultivation of their estates, as would lead to a material reduction of income." They cannot, that is to say, spare the children from the cane-field and the hogmeat gang. Accordingly we find, from the parochial returns sent to the Bishop, that the whole of the religious instruction given, or likely to be given, to the slaves in Barbadoes, consists in this—that on about half of the estates in the island, either a clergyman or catechist visits the estate once a month, or once a fortnight; or an overseer or book-keeper acts as his substitute, for the purpose of teaching the children to repeat the Lord's Prayer, the Creed, and the ten Commandments. We have also such remarks as the following respecting particular estates:—"The negroes *have been* lectured by the Rector."—"*It is expected* the white servants give *daily* instruction to the children."—"These *have been* attended by a Moravian missionary."—"These *have been* attended by a Methodist missionary."

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Now, as we know that no Methodist missionary has appeared in the island of Barbadoes since Shrewsbury's expulsion in 1823, this mode of expression throws the whole of the Bishop's statement into great doubt and ambiguity. Does he mean to say, that some three or four years ago the Rector gave a lecture to the negroes, on a particular estate, the savour of which, like the attendance of the Methodist missionary, has endured ever since? Again, when the report says, "it is *expected* the white servants give daily instruction to the children," what are we to understand by this statement? The extent of instruction, however, even where any instruction at all is given, is, for the most part, confined to the Lord's Prayer, the Creed, and Commandments, once a month, or once a fortnight, by the overseer, or by a clergyman. On some there is an occasional lecture, and the Catechism. Only on one estate do the young negroes appear to be taught to read, namely, Mr. Leacock's. The exception is most honourable to him.

The Clergyman of the parish of St. Lucy states his having opened a school in his parish; and the language he uses, would lead a common reader to infer that the slaves were admitted to it. "All children," he says, "are admitted into the school without distinction of rank, age, or sex." Yet it appears that the applications for admission come from the parents of the children that are admitted, and not from their masters, as must be the case if they were slaves—a proof that the persons admitted are not slaves, but free. Of the planters, all that is said is, that some of them have visited the school, and have been so much pleased with it, as to express a *wish* to adopt it. Why should these statements be involved in so much obscurity? Why should it not be explicitly stated, whether the children educated are slaves or free? The omission may be accidental, but the purpose that may be served by it is obvious.

The Bishop applies to Government for the following articles, viz:—Twelve churches, ten chapels, thirty parsonage-houses, nineteen school-houses, seventeen clergymen, and thirty catechists; and he says he has pressed most earnestly on the local legislatures, and on individual proprietors, the expediency of an increased number of places of worship, together with residences for the clergy, and schools for the religious instruction of the young. He does not say that his urgent recommendations have been complied with. In not one of the islands of his diocese has he stated that there is a single school for slaves, connected with the establishment, nor one even for free coloured persons, except in Barbadoes. There it is mentioned that there are six, though of their nature and objects, and of the number attending them, no explanation is given. We trust soon to receive a more gratifying account of the progress actually made in the work of instruction, than either of these reports exhibit.

Before we quit these reports, shall we do wrong in adverting to some of the gross misrepresentations, respecting the state of slavery in the West Indies, which they are calculated to expose? A large octavo volume has recently made its appearance in this country, entitled "A Practical View of the Present State of Slavery in the West Indies," &c. by Alexander Barclay, lately, and for twenty-one years, resident

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in the West Indies. Among a variety of very palpable misstatements, to which we may hereafter advert, he gives us the following favourable picture of negro improvement: (p. xxii.) "Twenty years ago, the churches were scarcely at all attended by the slaves; since then, the number of churches or places of worship, of one kind or other, has been more than doubled, in fact, nearly trebled; and yet, in the districts where I have had an opportunity of seeing them, they are fully attended, and principally by slaves." Now, the Bishop distinctly tells us, that in the whole island, there are not places of worship belonging to the established Church capable of containing more than eleven or twelve thousand individuals, the whole population being 400,000; and that "*the parishes in the interior are absolutely without the semblance of the forms of religious worship.*" The dissenting places of worship erected in the island have afforded some additional room to the slaves; but still, can any statements be substantially more at variance than those of Mr. Barclay and the Bishop?

Again Mr. Barclay affirms, that in Jamaica "Sunday is strictly, a day of rest." Yet it is the market-day throughout the island; and the very Slave-law now in force there states, that slaves are to be allowed twenty-six days in the year, *exclusive of Sundays*, for their provision grounds. Act of 1816, § 4.

The looseness with which similar statements are made by gentlemen who may be considered as having stronger claims on our confidence than Mr. Barclay, is worthy of particular notice. At the late Surry election, one of the candidates, Mr. Pallmer, is reported to have said, that he had been the instrument of introducing within the pale of the Christian Church a thousand slaves, not nominally, but really. The statement, coming from that gentleman, surprised us not a little, because we can have no doubt whatever that it is altogether untrue; and that he has suffered himself to be deceived by his informant. Such an even as this occurring, in any one of the parishes where Mr. Pallmer's estates are situated, in which, until 1825, if even then, there had been little or no instruction, could not have escaped the notice of the Bishop, or of his eye, the Archdeacon. So desirous was his lordship of collecting every fact creditable to the planters, that in October last, in giving an account of the very parishes in which this great religious revolution must have taken, if it took place at all, while he notices the fact, that on Halse-hall estate (belonging to Mr. De la Beche) a Methodist Missionary attended once a fortnight, he says not one word of Mr. Pallmer's thousand new and *real* converts to Christianity. We should be glad to have some more distinct specification of this most extraordinary transaction; time, place, circumstances, and means, clearly pointed out; for the facts, if true, deserve to be recorded in the most authentic form, and with all the requisite proof.

This, and all other publications of the Society, may be had at their office, 18, *Aldermanbury; or at Messrs. Hatchard's*, 187, *Piccadilly, and Arch's, Cornhill. They may also be procured, through any bookseller, or at the depots of the Anti-Slavery Society throughout the kingdom.*

London:—BAGSTER & THOMS, Printers, 14, *Bartholomew Close.*

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London, 18, Aldermanbury, September 30, 1826.

No. 16.

ANTI-SLAVERY MONTHLY REPORTER.

The "ANTI-SLAVERY MONTHLY REPORTER" will be ready for delivery on the first day of every month. Copies will be forwarded, at the request of any Anti-Slavery Society, at the rate of four shillings per hundred, when not exeeeding half a sheet, and in proportion, when it exeeeds that quantity. All persons wishing to receive a regular supply, are requested to make applieation to the Secretary, at the Society's offiee, No. 18, Aldermanbury, and mention the conveyanee by whieh they may be most eonveniently sent.

THE BERBICE FISCAL'S OFFICIAL VINDICATION OF HIS REPORT RESPECTING THE COMPLAINTS OF NEGROES.

MANY of our readers, without doubt, retain a lively recollection of the atrocities which the Report of the Fiscal of Berbice, printed last year by order of the House of Commons, shewed to have been perpetrated in that Colony. In the postscript to a pamphlet, entitled "The Slave Colonies of Great Britain, or a picture of Negro Slavery, drawn by the Colonists themselves,"* a brief view was given of its details, which were described as admitting "us into the interior, the very penetralia of the slave system, there exhibited, in all its height, and length, and breadth, and depth of deformity."

The exposure of these atrocities has powerfully excited the indignation of the Colonists, not against the perpetrators of them, but against those who called to them the attention of the public. Even some Members of Parliament, while they expressed disgust and horror at the revolting details contained in this Report, took pains to weaken their effect, by attempting to throw discredit on the motives of those who published the abstract of them just referred to.

Since that time, a more formidable adversary has appeared in the person of the Fiscal of Berbice himself, the very officer on whose authority the whole statement rested. The Council of that Colony, at a meeting held on the 11th of Jannary 1826, Resolved, on the motion of the Hon. Simon Frazer, "That, in consequence of the very injurious observations reflecting on the character and conduct of the inhabitants of this Colony, arising from certain reports of his Honour the Fiscal, relative to complaints made to him by the negroes, transmitted to his Majesty's

* This postscript will he found entire in the Anti-Slavery Reporter, No. 5, which will equally serve the purpose of reference with the pamphlet. It is the second edition of the pamphlet which is always quoted.

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Government in a most imperfect state, they thought it but just, that the Colonists, who were not only disposed to court inquiry, but anxious for the strictest scrutiny, should have every opportunity afforded them, *to rebut the charges of their calumniators;** and that, therefore, the Governor should be requested to call upon the Fiscal for a detailed report of the nature of the inquiry, instituted either by him, or the Court of Criminal Justice, into the complaints alluded to, as also of the final judgments in each case, in order to meet, fairly, the unqualified attacks, which there is too much reason to believe, will be levelled against the West India character, founded on garbled and imperfect documents."

In obedience to this Resolution of Council, the Fiscal drew up a second report, which having been transmitted to Lord Bathurst, has been subsequently printed by order of the House of Commons. A copy of it is now before us, and we would say of it, in general, that instead of at all serving the purpose of its prompters, which was to *rebut* the charges against West Indian humanity and justice, founded on the original report of the Fiscal, it tends to confirm, and even to aggravate those charges.

This report, thus produced with the view of whitewashing the Colonial System, is accompanied by a letter from the Fiscal to the Governor, which merits particular attention. It is dated the 21st January, 1826.

"My Lord Bathurst," he says, "was pleased to desire his Excellency, Lieutenant-Governor Beard, to direct me to forward, for the purpose of being laid before the House of Commons, copies of the complaints of slaves, made at my office from the year 1814, to the date of his Lordship's dispatch.

"It is with deep regret that I have perceived from many of the public prints in Great Britain, that garbled statements of some of these complaints have been made public,† and from the inflammatory manner in which they are stated in the speeches at a meeting at Norfolk, cannot fail to excite indignation against the discharge of the duties of my office, as well as the *most unfounded* prejudice against individuals of respectability in this Colony. Together with some of the complaints of slaves transmitted by me, are the refutations; but *in all cases brought forward*, such are carefully kept in the back ground.‡

"In cases where I found there was foundation for complaint, I deemed it my duty to bring it before the Court of Criminal Justice, the supreme tribunal of the Colony, where his Excellency presided, and when once removed there, the complaint and decision upon it became a matter of public record, and consequently totally unnecessary to form any part of the private memorandums, which, as I stated in my letter to the Lieutenant-Governor, I merely kept, for my own satisfaction, my office not forming one of public record,§ nor were the slightest memoranda handed to me of the proceedings of my predecessors. This, I hope, will account for the apparently imperfect state in which these complaints were transmitted.

"In corroboration of these assertions, I now beg leave to hand your Excellency statements of the proceedings, and explanations on many cases quoted at the Nor-

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* The "charges of their calumniators" were neither more nor less than a few extracts from the Fiscal's official report of the complaints of the negroes. If, in making this report, circumstances were omitted by him which were necessary to his own vindication as a minister of justice, or, to the full understanding of the different cases brought before him, the fault was his, not that of the Anti-Slavery Society.

† The Fiscal evidently alludes to the Society's pamphlet, the Slave Colonies, &c. He ought, in fairness, to have specified the instances in which his statements have there been garbled.

‡ We take it upon us to say, that this accusation is untrue. Being made, it ought to have been substantiated; but no instance is adduced by the Fiscal to support it.

§ It is a heavy reflection on the administration of the Slave Laws, that their infraction should not be matter of record.

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folk meeting. In regard to the assertions of some of the speakers at this meeting, that they had their information from the Fiscal, I positively declare, I never directly or indirectly, held any correspondence or communication with the gentlemen in question;* and as to the unfounded assertion, that negroes, coming to my office to complain, were generally flogged by way of redress, I hesitate not to say, is a malicious falsehood.† I have sixteen years discharged the duties of my office in a conscientious manner, consistent with my duty to my Sovereign; and I have great pleasure in stating, that in none of his Majesty's Colonies, are the slaves better treated than in this;‡ every facility is afforded them to prefer their complaints, and when they are founded, the records will shew the exemplary manner in which transgressors are punished.§ It is unnecessary for me to observe to your Excellency, how much negroes are in the habit of exaggerating their complaints, and, indeed, how very often they are unfounded; nine times in ten they proceed from the most indolent and worthless negroes on the estates, and are generally contradicted by the better behaved negroes.‖ I will only trespass further on your Excellency's time, by observing, that when complaints are once transferred by me to the superior tribunals, I am no longer a judge in such cases but merely the prosecutor; and, as I deem it my duty, in cases of importance, to resort to this mode of proceeding, it will further account to your Excellency for my decisions not being noted in many cases."¶

Let us now proceed to examine this pretended vindication of the inhabitants, and of the *judicial* administration, of Berbice, and see to what it amounts.

1. The case of Mrs. Sanders, (see Slave Colonies, p. 104, 105.) is stated in nearly the same terms as in the first Report, p. 5; any variations being merely verbal. The only part that is new, is the *result* which is thus given: "From the foregoing examinations, it was *proved* by the evidence of the overseer, on oath, that Mrs. Sanders had not confined any of the negroes in shackles: the other charges appeared to be satisfactorily made out." Now the evidence of the overseer,

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* The Fiscal seems to have strangely supposed that Lord Suffield and Mr. Buxton, in saying they had their information exclusively from him, meant to impute to him the unpardonable offence of privately corresponding with them. They alluded entirely to his official report.

† The Fiscal does not tell us where or by whom this *malicious falsehood* was uttered. On referring to the pamphlet above mentioned, we find five instances only specified out of thirty or forty, in which the Fiscal redressed the complaint by flogging the complainant. So far is it from being true, that any such charge was made *generally* against the Fiscal in that pamphlet, that it is there expressly stated, (p. 104.) that his decisions have not been given "*except in a few cases.*"

‡ We are not at all disposed to question the truth of this statement. The slaves in the other Colonies are, we believe, no better off than those of Berbice; and, in some, we have no doubt, that if like authentic details were given of the nature and result of their complaints, we should have a disclosure of at least a fair proportion of similar horrors.

§ Why has he not given us those records? They have been anxiously called for. The order of the House of Commons was to produce records of *all* proceedings with their results, in cases of complaints of masters and slaves. The first return to this order is admitted by the Council of Berbice to have been imperfect. In fact, we had there nearly 200 cases of complaint in which no decision whatever was notified. But the second Report which we are now considering, and which was intended expressly to supply the imperfections of the first, does not give us any additional information, except in ten of those two hundred cases; and the information which it does give not only throws little additional light on the subject, but aggravates, in a high degree, some of those cases, and serves to illustrate still more strongly the inherent cruelty and injustice of the whole system, as we shall shew by a careful induction of particulars.

‖ All this ought to have been matter of proof, not of assertion. Why is not the testimony of these better behaved negroes before us? If Mr. Bennett had given us facts as established in evidence, we should have been wholly independent of his opinion, which, whether we regard him as a Planter, or as a Judge whose own conduct is in question, is liable, in this instance, to be biassed by the circumstances in which he is placed.

¶ This forms no apology whatever for the imperfection of the returns. The decisions were called for, and ought to have been given, whether they were recorded in the office of the Fiscal, or in that of the Court of Criminal Justice. And why are they not *now* given?

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proves that he was regularly absent from home, attending the wood-cutters in the woods, from Monday morning to Saturday night; and was at home only from Saturday night to Monday morning. He says, that in Mr. Sanders' life-time, he had often seen the slaves confined in shackles, their ancles and wrists cross-ways; but he had never seen it since. Again, he says, "I never *saw* it, or heard of it, since Mr. Sanders' death;" and this statement, made by a man who admits that he had no opportunity of witnessing how Mrs. Sanders may have acted towards the negroes, except on the Sunday, is considered by the Fiscal, as *proving* that the concurrent testimony of nine negroes, who are found to have given correct evidence in every other particular, (their other charges having been satisfactorily made out) was untrue in this. It is absolutely impossible to read the consistent statements of these nine negroes on the subject, and compare it with the overseer's merely negative testimony as to one fact, and that under circumstances which made it impossible he should be cognisant of it, without astonishment at the Fiscal's conclusion. Whenever the overseer had any opportunity of knowing the facts, he confirms the testimony of the slaves. In the only case, in which he had no such opportunity, his statement that he knew nothing of it is admitted as *proof* of the falsehood of the charge

It is, however, satisfactory to find, that Mrs. Sanders did not escape on this occasion with impunity. She was convicted of starving and no clothing her slaves, and of forcing them to work on Sundays; and was therefore made to pay a sum of 1,812 guilders, of penalty and costs, being nearly 140*l.* sterling. This is a fact now communicated for the first time: the money however, was paid, not as a reparation to the slaves, but as a fine to the public treasury.

2. No attempt is made to explain the reason why various other atrocities, perpetrated by the same lady, met with no punishment. (See Slave Colonies, p. 105, 106.) "The Fiscal," (p. 8, of his 2nd Report) says he, "can trace no minute of decision thereon, nor any charge of expences incurred for investigation. He therefore *concludes*, that the complaint was groundless, and was dismissed accordingly." This is certainly a very hasty conclusion, as his own minutes, contained in the first Report, will clearly testify. These exhibit internal evidence that his present hypothesis on the subject is directly opposed to fact. One of the complainants, the Fiscal himself admits (1st Report, p. 32,) to have the proof of his complaint "visible on his posteriors," and the charge of *forcing* the slaves to work on the Sundays is fully admitted by the son of their mistress, the manager of her estate. (*ib.* p. 54.) In the Fiscal's anxiety to exculpate this lady, he suggests a very charitable, but untenable construction of a part of the evidence, given in the 1st Report, (p. 61.) Her son had said, that "*David had been flogged under his feet with tamarind rods, on account of his back being cut up.*" Oh, says the Fiscal, "this does not imply that the negro's back was sore from any punishment he had received from Mrs. Sanders, but *in order to shame David.*" He ought, however, to have told us why flogging *on the feet* should be regarded, by the poor slave in Berbice, as more *shameful* than flogging on those parts which, every where else, it is thought the *most* shameful to expose and lacerate.

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3. The next case is that of four women, on Plantation Guilderland. (See Slave Colonies, p. 106, and the Fiscal's 1st Report, p. 13.) The *result* which was withheld in the first report is now given. "The Fiscal," we are told, "has a perfect recollection;" (the occurrence, be it remembered, had taken place seven years before; we may therefore fairly distrust the perfectness of his recollection, in a case where his own character is at stake, and where there can be no fear of contradiction.) "The Fiscal has a perfect recollection of having attended on Plantation Guilderland, in consequence of these complaints, *which were greatly exaggerated.*" He does not state in what respect they were exaggerated, or what proof there was of exaggeration. "He examined the field work, and found that, on such of the coffee-beds as were weeded by women having children, there was on each such bed additional hands." Now, though this may have been the case on the day on which the Fiscal visited the estate, how can he certainly infer from that circumstance, that on the previous days to which alone the complaint of the women related, it had not been otherwise? The only evidence he adduces, in answer to the heavy charges preferred by the four women, (namely, that they, though suckling or pregnant, had been *driven* to keep up with the gang, and punished for failing,) is that of the parties accused,—the driver and the overseer. After hearing *this* evidence, "the Fiscal interposed his authority, directing that the children, in future, be given in charge of careful nurses; and the complaint was herewith dismissed." Nothing can be more unsatisfactory than such a result of such a case, even upon the Fiscal's own shewing.

4. The case of Jane (Slave Colonies, p. 106, and 1st Report, p. 14.) is thus explained: On the 10th of February, 1826, (seven years after the transaction had occurred) Mr. *Bourmester*, the master of Jane, "is required to attend at the Fiscal's office, and *inquired* of," (there being evidently no record remaining) "if he had any remembrance of the result of this investigation, he having answered it on behalf of his house-keeper, Grace. He stated, that he perfectly recollected the case to have been *exaggerated;*" (doubtless, that would be *his* impression,) "but not having been able to prove to the Fiscal's satisfaction, that the complaint of the negress Jane was unfounded,* the Fiscal had insisted on his paying a fine on behalf of Grace;"—the amount of which fine is not mentioned.

5. The next is that shocking case of the negress Minkie. No one who has once read it can have forgotten it. It will be found at p. 107, of the Slave Colonies, and p. 14, of the 1st Report of the Fiscal. This Minkie is the wretched creature of whom the Fiscal says, that she exhibited her posteriors, which were covered with a plaister, and lacerated to that degree that the Court directed her not to uncover it. The *result* of this case, which is now given us for the first time in the 2nd

* This is a very peculiar mode of stating that a complaint was fully proved; for if it had not been proved, Mr. Bourmester would not have been fined. Jane had been sick; she had had a blister on her belly; she was still ill; she had been kicked and beat with pieces of crab-wood; and in this state made to work. She produced two living witnesses to the truth of her complaint, besides the still less dubious evidence of her emaciated figure, and blistered and beaten body. No wonder then, that Mr. Bourmester should fail in satisfying the Fiscal that the complaint was unfounded.

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Report (p. 10,) furnishes another most striking illustration of the cruel and oppressive nature of the West India system, and which alone was wanting to complete the picture of horror which the previous details of it had presented. "His Honour, the President, and the Court," we are told, "were highly indignant at the treatment of this female. No evidence, however, could be obtained to convict the proprietor (Mr. Jones) of having inflicted a severer punishment *than that prescribed by law.*" It is added, "the Court are fully satisfied that the unfortunate female slave has been flogged *in a most severe and cruel manner*, and to her sufferings, by her master's own confession" (who indeed, seemed to glory in his barbarity) "was added the breaking of her mouth in a most brutal manner." Her master was then directed *to take her from the custody of the under sheriff, on payment of the fees.* She was returned, that is to say, into the power of this monster, by order of the Court.

Now, consider all the horrors of this clear and unambiguous case of cruelty, and the impunity which has attended it, and then say, whether the detestable system *of law* which can screen such conduct (not denied, but avowed) from justice, is any longer to be endured. That we should have endured it so long, may well make us tremble when we recollect that God is the avenger of the desolate and oppressed.

But the savage master was not proved, it seems, to have offended against the *law*,—this is true; nay, he had done nothing more than the law expressly authorises every master to do. At his own caprice, for no earthly crime that even he himself could specify, he lacerated "in a most severe and cruel manner," the naked body of this unprotected and unoffending female; but so long as it could not be proved that the number of stripes exceeded thirty-nine, however "well they were laid on," to use his own brutal expression of triumph; however deep they cut into the flesh, and though he broke her mouth besides;—no punishment could reach him; nay, the law, (what a disgusting mockery of law!) the law actually protected and sanctioned his crime. And yet, says Mr. Bennet, the Fiscal, and we believe him, "in none of his Majesty's colonies are the slaves better treated than in this." Let the full import of these words be weighed. We have been told, by no mean authority in colonial matters,* as a palliation of these evils, that atrocities are perpetrated in England as well as in the West Indies; but we challenge all the advocates of the colonial system, whether in or out of office, to produce any case, be it in law or practice, which will bear the remotest comparison to this transaction. It deserves to be well studied. It is an admirable illustration of the innate flagitiousness of that abominable institution, which still finds so many plausible and cold blooded advocates among us, and which, owing to their false and delusive statements, is still permitted to flourish in most mischievous vigour in one of the fairest portions of the British Dominions.

6. Tommy's case is not adverted to in the pamphlet called the Slave

* How deeply did we regret to hear Lord Bathurst, himself, in his reply to Lord Suffield, on the 17th of April, 1826, having recourse to such an argument as this! See also, a pamphlet entitled, The West India Question practically considered.

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Colonies, but it will be found at p. 9, of the Fiscal's first report. Tommy, a cooper, had been flogged, not, it seems, in the opinion of the Fiscal who inspected him, with any *peculiar* severity, though after the flogging, his buttocks had been washed with brine, and he locked up in this state of laceration every night in the stocks. Let any one but picture to himself the torture a poor wretch must endure confined in the stocks, night after night, with the very part of his body which a sitting posture must chiefly affect, lacerated with the cart-whip; and this torture inflicted, not by any grave judicial sentence, but by the caprice of a certain Mr. William Fraser, himself accuser, judge, jailor, and executioner. When Tommy, however, was flogged, a white man happened to be present, who had taken the pains, after a time, to count the lashes. His testimony is thus given: Tommy had appropriated to himself, in the boiling house, where he was at work, *about half a pound of sugar.** "Mr. Fraser ordered the drivers, Tommy, and Acarra, to flog cooper Tommy. He was tied down to stakes and flogged. To the best of my knowledge he received *forty-one* lashes: I counted them. He appeared much cut. I have seen negroes flogged before, but never with so much severity. *I did not count the previous cracks of the whip,*" (Tommy had affirmed that a hundred lashes were given him,) "*but the forty-one lashes, which I can correctly speak of, I counted as those which cut him on the bottom.*" Thus far the Fiscal's first report went. In his present report, he gives us the *result*. This result consists partly of a letter from the Fiscal, dated 10th February, 1826, (*seven years after the investigation had taken place,*) announcing to William Fraser, that, having punished his slave Tommy excessively, he must pay a fine of 300 guilders, with sixty-nine guilders for costs. If there be no mistake in the date of the Fiscal's letter, it would appear as if the infliction of the fine had only been thought of in consequence of the clamour excited, in this country, by that gentleman's first report. But even supposing it to be otherwise, how strongly does the circumstance mark the capricious inequality of the law! The master of Minkie receives no punishment, because, notwithstanding all the other aggravating circumstances of the case, it cannot be proved that he exceeded thirty-nine stripes. Mr. Fraser is fined because it is proved that he inflicted two more than that number. But that this punishment should have been sustained by him not in 1819, but, as the Fiscal's letter would indicate, in 1826, is not a little extraordinary. Notwithstanding however, the grossness of the case, and the very disproportionate severity of the punishment, had Mr. Fraser spared the two last strokes of the whip, he would not have had one guilder to pay.

7. The case of Brutus is given at p. 108, of the Slave Colonies, and at p. 30, of the Fiscal's 1st Report. It is the case of a father, who alleged he had been flogged for having refused to subject a young girl, his daughter, to the manager's lust. The *result* of this atrocious case is now given. The manager, Robert Macdermott, denied having flogged

* The value of half a pound of sugar in Demerara is about one penny and one farthing. It is as if a person in this country, employed to gather apples or pears in an orchard had put two or three into his pocket to give to his children at home. Two drivers were required to punish this enormous offence.

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Brutus on any other account but the neglect of duty. The particular neglect however, is not specified for which he had flogged him. With this exception, he does not deny any one of the facts of the case. He does not deny, that is to say, that on the Friday he asked Brutus to prostitute his daughter to him; that Brutus refused to do so; and that on the next day, Saturday, he flogged Brutus. He does not deny this: he only says, the flogging was not for the refusal of his daughter's person, but for neglect of duty. The moral presumptions, however, were so strong against him on this point, and independently of this, his actual and admitted delinquencies had been so flagrant, that we might at least have expected he would have been removed from the estate. No such thing: the Fiscal refers the matter, it seems, to the attorney of the estate, Mr. Bethune. Mr. Bethune assures the Fiscal, as we are now told, "that he had been on the estate, and had used every endeavour to discover if Brutus had received punishment on account of his having refused his daughter to the manager, but had failed; and on the assurance of the attorney, that, if this charge could have been brought home, he would have instantly discharged the manager from the estate, the Fiscal forbore inquiry, after admonishing the manager on his conduct." Oh, most lame and impotent conclusion! The Fiscal deputes the duty of investigation in this atrocious transaction to another, an extra-judicial person, perhaps a friend of the accused, and, on his neutral statement, he himself forbears all further inquiry He even takes no pains to ascertain the crime for which this poor old man had actually been flogged. In short, the only evidence produced in opposition to the direct and consistent testimony of several witnesses on the other side, fully establishing the overt acts, and to all the probabilities of the case, is a mere negation, unsubstantiated by any one circumstance whatever, on the part of the accused, of the motive attributed to him; while his statement on this point is divested of all claim to credit by the admitted profligacy of his whole conduct. And yet, on such grounds, does the official protector of the slaves forbear all further inquiry into this aggravated case of injury and outrage.

8. The case of seven slaves, belonging to Mr. Elwes, will be found at p. 109, of the Slave Colonies, and p. 17, of the Fiscal's 1st Report. The case is one of very peculiar aggravation. The *result* is contained in a letter from the Fiscal to the President of the Court of Criminal Justice, in which he states that he found the complaints of compulsory labour on the Sunday, and of harsh treatment, fully substantiated. "I therefore, prohibited him," he says, "from *insisting* on their doing work on Sunday." "I also prohibited the further use of the Carracarra, in the presence of the gang; and directed that if these orders were not punctually obeyed, they should cause the same to be represented to the next Burgher Officer." No penalty of any kind was exacted in this case of varied outrage, and of admitted violation of Colonial law.

9. We now come to the case of the four negroes of Mr. Katz, which is stated in The Slave Colonies, p. 109, and in the Fiscal's Report, p. 19. In the Fiscal's *second Report*, the statement contained in the *first* is repeated without variation or addition; why, we know not. We naturally expected to find some good reason given for the Fiscal's hav-

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ing punished the complainants, one with fifty, and three with seventy-five lashes each, in his own presence, in the market place. But no reason is given that is at all satisfactory. One of the complainants is said to have *prevaricated*, but even if seventy-five lashes were deemed an adequate infliction for an act of prevarication, (the particulars of which are not stated,) yet the four ought not to have been pnnished for the prevarication of one. The testimony against them, and on which they were thus severely lacerated, was the testimony also of the accused parties, and that not given on oath.

10. The case of seven negroes belonging to Rosehall, (Slave Colonies, p. 110, and 1st Report, p. 20.) is repeated verbatim. The only addition is a note from the Fiscal to the Burgher Officer of the district, desiring him "to visit the plantation, and investigate the complaint, and if the grievance does exist, afford redress; or, *if unfounded, direct such punishment as the case may appear to require.*" We are left in the dark as to the *result* From the tenor, however, of the Fiscal's communication to the Burgher Officer, he appears to have most unfairly prejudged the case. On the ground of a letter from the manager, the very man of whose oppression the slaves complained, the Fiscal deems it *probable*, that "the *complaint is unfounded*," and refers the complainants, with the weight of this most unwarranted prejudication hanging over them, to the decision of his delegate.

11. The next case has made much noise in the world, and has led to much abuse of Lord Suffield and others, for having cited it precisely as it stands in the Fiscal's first Report. It is the case of Rosa or Roosje, whom the manager, Mr. Grade, had ordered the driver to flog "till the blood should fly out." She was then far advanced in pregnancy; and was delivered three days after of a dead child. (Slave Colonies, p. 110, and first Report, p. 25-27.) In the second Report, which we expected would have explained away the whole affair, we have a mere repetition of the chief details contained in the first. As this case has been adduced as a proof of unfairness on the part of the abolitionists, we will give the whole of it as stated in the later and deliberately amended report of the Fiscal. The grossness of the details must be excused in consideration of their importance.

"Roosje states, she was sent to pick coffee in the logies, by order of the manager; she represented to him she was too big (too far advanced in pregnancy) to stoop. Manager directed her to comply with the order; she went and picked coffee* on her knees. At eleven o'clock our work was examined, and the manager directed the driver, Sondag, to flog us; it was done with the whip doubled. When Sondag, the driver, came to me, he said to the manager, this woman is rather big with child; the manager replied, give it to her till the blood flies out. I was flogged with the carracarras. This happened on Friday: I went to the field on Saturday. I told the driver I could not work as I had a pain in my loins: he directed me to go to the manager. I did go, and was sent to the hospital; remained there a day; the doctor examined me, and said there was nothing the matter with me, and that sitting down was not good. I went to the field, was put upon a row with another to help me; on Sunday evening I miscarried; I was five months gone with child; the labour was heavy; the mid-

* "*The picking here alluded to*," *the Fiscal observes*, "*is not in the fields*, but sorting of the cured coffee in the logies, preparatory to its being shipped."

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wife had to force the child from me; the child was dead, one eye was out, the arm broken, and a stripe visible over the head, which must have been done by the whip doubled. The doctor came to attend me on Monday morning; the child was not seen by him, it was buried; he prescribed for me; the child was seen by Ariaantje, Claartje, and Mary Anne; I was assisted by sister Claartje; the regular midwife, Mary Anne, did not attend me, as I was taken suddenly; she was sent for, however, and saw the child.

"The evidence of J. H. Eenhuys, assistant surgeon to Dr. Westerveld, practitioner and medical attendant of plantation L'Esperance, states, that he visited the woman Roosje, early in the morning of the 14th March: she informed me she had miscarried the evening before; I examined, and prescribed for her. A few days previous to this occurrence, I saw Roosje in the sick house, she was complaining, and pregnant. I thought, between three and four months gone with child. I experience that many women miscarry from not taking exercise, and contracting lazy habits: thinking this was the case with her, I directed her to take exercise. I did not see the child, I believe it was buried. I enquired if she had been delivered of the after birth, and being informed by the midwife and an old woman she had, I directed something for Roosje, and went away.

"Evidence of *Sondag*, driver of plantation L'Esperance, states, that the women were put to pick coffee, a certain quantity was required, which was not got. The overseer told me, by order of Mr. Grade, the manager, I was to range the women out on the plankier, and told me to begin and flog them from one to another; I began, and went on till I came to the woman Roosje, I gave them about twelve or thirteen stripes with the whip doubled; on coming to Roosje, I observed to the manager this woman was pregnant; the manager said, go on, that was not my business: I did so, she did not get more than the rest; I did not flog her with a carracarras, it had broken before I came to her: she received her punishment with the whip doubled. She miscarried a few nights after this punishment took place; it was inflicted at breakfast time, at eleven o'clock. I did not see the child. Claartje told me the child was in ———. The question being put to him, 'Whether the manager on his (the driver's) representation, that Roosje was pregnant, had made use of the words, *never mind, flog her till the blood comes*;' he replied, 'yes, he did.'

"Evidence of Jonas, Mary Anne, Ariaantje, George, and Claartje, all belonging to L'Esperance, heard and corroborated the circumstances in the statement made by Roosje."*

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* The evidence which is here merely referred to, is too important to be omitted, especially as this case has been made the occasion of so much acrimonious and illiberal attack on the abolitionists. It is as follows. (See Fiscal's first Report, p. 26 and 27.)

"Evidence of the negro woman Mariana, states, I was sent for in the night to come to Rosa, who was taken in labour, (trouble had come:) I went. She was not yet delivered. I assisted another woman to deliver her. The child's arm was broken; one eye out, bruised, and sunk in the head. It was a fine male child, quite formed, in every respect perfect. Thinks the child was more than five months, from its perfect form and appearance. Claartje and George reported it to the manager, that Roosje had miscarried, and he gave no directions respecting it. I buried it. The child was seen by the father and mother, and two other women, Claartje and Ariantje. Roosje told the doctor the state the child was in. He replied, "I suppose you have been eating green pines." Roosje denied it, saying, it was from the flogging she got.

"Evidence of Ariantje; states, that Roosje is her sister; was called in the night to come to Roosje who was in labour: I went. I got there before Mariana. When the child came, it was a male, perfect; the arm broken, the eye out, the head broken, and bruised. After the miscarriage, I went away. Being asked why she had not mentioned it to the manager, the doctor, or the Burgher officer, she said it was not her business:

"Evidence of George; states, he is husband to Roosje; corroborates her evidence as to the flogging she received, and the expressions used by the manager to the driver about flogging her (till the blood came.) This happened on Thursday. Sunday night she miscarried. The child was a male, perfect: it was born dead; the arm was broken, one of the eyes out, and the head bruised. States this to have been occasioned by blows his wife received from the driver with the doubled whip. Reported this miscarriage to Mr. Grade, but did not mention to him the state it was in. Roosje told the doctor, who replied, 'You must tell a lie; you have been eating green pines, I believe.' Inquired why he had not gone to complain either to the Burgher officer or Fiscal: says, he was cook, and, could not leave his work. Being re-examined, he said, he told Mr. Grade the child's arm was broken; and that it was in consequence of

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Lord Suffield was charged over and over again with misrepresentation aud exaggeration in his statement of this case: his representation of it, however, actually fell below that which stands recorded in the Fiscal's book. Besides, not one of the *facts* there detailed are at all questioned, whatever doubt may exist as to the causes assigned for the child's mutilation. These may have been incorrectly assigned: of that, we are no judges. We give the Fiscal's own report of the facts as they stand on the uncontradicted and consistent evidence of eight individuals.

In his first Report the Fiscal left us in cntire ignorance of the *result* of this investigation. The present report, to our surprise, is equally defective. All he states respecting it is this: "The Fiscal deemed it his duty to bring the complaint before the Court of Criminal Justice, and after collecting all the evidence and information that could be obtained, he filed his criminal demand against C. J. Grade, which with the Court's sentence in the above cause, is hereunto attached." (2nd Report, p. 16.) The fact is, however, that these documents are not given. We have searched every line of this report for them in vain. We are still, therefore, left in utter ignorance of the punishment which Berbice justice may have inflicted on Mr. Grade; or whether he has received any measure of punishment whatever, for the enormities so clearly proved against him.

12. Another case is that of two slaves on an estate of Mr. Katz. (Slave Colonies, p. 109, 110, and 1st Report, p. 46. and 58.) With respect to one of them, the defence of that gentleman is, that Amsterdam, the negro whom his manager had so heavily punished, that even the Fiscal, no novice in these matters, on inspecting his posteriors,* pronounced him to have had "*a severe flogging*," was not the *property* of Mr. Katz, but merely *hired* by him; as if this circumstance extenuated, and did not rather aggravate the cruelty.

The defence set up with respect to the other slave, named Murphy, is a perfect juggle, well calculated to impose on the careless reader. Murphy's complaint to the Fiscal bears date the 7th July, 1823. (Fiscal's 1st Report, p. 58.) For making some noise, he says, "I was locked up, both legs in the stocks, extended as far as they could

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the flogging she got. Mr. Grade said, 'It is a lie.' The overseer was present. The manager asked him how his wife had miscarried, he replied, 'It was from the flogging yon gave her,' Manager said, 'You lie, I did not flog her.' Overseer said, 'I did not either.' I said, if neither of you did, who did then? Says his wife has had seven children for him, aud never miscarried before.

"Evidence of Claartje; states, that she is sister of Roosje, was sent for at night to Roosje, who was taken in labour. The child was born dead. It was a male, perfect; the arm was broken, one eye bruised, and hurt; it could be seen it was done with the whip, and the hand broken. The father reported its death. Manager said, to bury it. The father dng the grave. Marianne took it ont. *She* did not tell the manager of the state of the child, tbinking Marianne wonld do it. George mentioned it to Mr. Grade; does not know what he said.

"Jnstus Von Steiniss, overseer; I was present when the women were ranged ont in the drogery, they were flogged by Zondag. Mr. Grade said, if they did not pick coffee enough, he, the driver would be confined in the stocks. I saw him pnnish some of the women; Mr. Grade was not present; did not hear Zondag say any thing to Mr. Grade as to the child having a broken arm: never said any thing to him himself."

* What a singular state of society is that of the West Indies, where one of the grand qualifications of a jndge must he his skill in counting the nnmber, and ascertaining the length and depth of the incisions made on the posteriors of the men and women that come before him! Is there not enough in this single circumstance, and in the careless, perfunctory, off-hand manner, in which it is perpetually adverted to, to excite the unmiugled disgust of every feeling mind, and to deepen the conviction of the necessity of an early and radical reformation of the system?

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be. In this position, I was kept all Sunday and Monday. On that evening I made my escape, and came to complain." "Did you go to your master, Mr. Katz," asks the Fiscal, "to complain?" "No, I did not;" answers Murphy, "and my reason was, that three negroes had gone to complain to Mr. Katz, and without sending for the manager they were flogged and sent back, and the next day one of them was again flogged by the manager." The Fiscal, in his manifest anxiety to exculpate Mr. Katz from all imputation on his treatment of his slaves, brings against Murphy, as a justification of the above proceeding, a charge of mutiny, supported by the affidavit of two of Mr. Katz's overseers. It is somewhat singular, however, that he should not have taken care to produce an accordance in the dates, at least, of the different documents. Now the affidavit in question is dated on the 12th of August, 1823, and refers to a disturbance which the two deponents swear to have taken place on the 2nd of that month, nearly four weeks after the Fiscal had heard, and disposed of, that complaint of Murphy which alone was in question. The two cases, therefore, cannot be the same, but necessarily must be perfectly distinct, though the Fiscal strangely confounds them. The sentence he pronounced on Murphy, in the latest case of the two, will certainly not be blamed for its leniency. "*He was punished with fifty lashes, and worked in chains attached to his ancles for three months.*" We shall be glad to learn after this, what was the punishment inflicted on Mr. Grade, in the case of Roosje.

13. On the case of Laura, (Slave Colonies, p. 111, and Fiscal's 1st Report, p. 24.) no new light is thrown.

14. The complaint of Philip and Leander, (Slave Colonies, p. 111, and 1st Report, p. 45.) that the manager of Bertingdigheid, Mr. Luyken, had killed all their hogs, stands uncontradicted. The Fiscal, however, while he professes to *regret* this harsh proceeding, is at great pains to extenuate, if not vindicate it. We hear much, from the West Indian party, of the right of property conceded to slaves, if not by law, yet by custom. Here, however, we have an instance of a manager destroying their whole stock of hogs by his own mere fiat; and not only is he not called to indemnify them for the loss, but the official protector of the slaves vindicates the act. If, in this country, a man is guilty of any undue severity to animals trespassing on his grounds, the proprietor may bring his action for the injury. What remedy can a slave have against his master or manager? The law affords no redress whatsoever. We are told of the indolence of the slaves, and of their unwillingness to make any effort to better their condition,—can we wonder at the fact? Here great efforts had been made, and a valuable property had been accumulated, which, in one hour, is annihilated by the merciless and irresistible act of the petty despot of the plantation, whose will in this case is law.

15. The complaint of the negress Jenny, (Slave Colonies, p. 112, and 1st Report, p. 45, 46.) detailing a most atrocious case, we are now told by the Fiscal, was referred by him to the Court of Criminal Justice. "His criminal demand and conclusion having been filed, the honourable Court decreed the sentence hereunto annexed." Again, however, the Fiscal has disappointed us; the documents which he professes to give are not annexed; we are therefore still left in utter ignorance of

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the result of this most aggravated case. Jenny was pregnant; her mistress, Mrs. Elizabeth Atkinson, (her name deserves to be recorded) tied her up and beat her, then kicked her, and trampled on her belly, locked her hands and feet in the stocks, and beat her again. In half an hour the poor creature miscarried. Her child, Philip, was also extremely ill treated, and not allowed to come near her. The child was exhibited to the Fiscal, "*with marks of severe flogging over the whole body.*" We wish the Fiscal had told us what the punishment was which this inhuman mistress was made to undergo, or whether she received any.

16. The Fiscal attempts to defend himself for his severe conduct towards one of Mr. Calmer's negroes, (See Slave Colonies, p. 113, and his 1st Report, p. 46, 47.) but he gives no proof in his defence but his own assertion, he himself being the party implicated. The complaints of the negro against Mr. Calmer, which were of a very revolting kind, are wholly unnoticed, and we conclude, therefore, that they led to the infliction of no fine on that gentleman.

17. The complaints of General Murray's negroes (Slave Colonies, p. 113, 114, and 1st Report, 49, 50, 66.) are said to have been "*greatly exaggerated.*" These words run glibly from the pen, but no proof or even specification of the exaggeration is given. By way of exculpating General Murray, the Fiscal states that Hopkins, the manager, was dismissed for his misconduct. (See 2nd Report, p. 28.) But if so, how will the Fiscal vindicate himself for having inflicted seventy-five lashes on two of the complainants against this man, merely *because* they failed to prove their complaints; (See 1st Report, p. 50.) and although he had previously been obliged to reprimand Hopkins for his cruelty to the slaves placed under him. (*ib.* p. 49.) There is scarcely any one of the cases detailed in this remarkable report, which shews more strongly the oppressive and untractable nature of the slave system than this very case of Governor Murray, when it is carefully examined; nor any in which the Fiscal appears to less advantage.

18. The complaints against William Ross, (Slave Colonies, p. 114. 116, and 1st Report, p. 60 and 58.) are dismissed in the same summary, and most unsatisfactory manner, only that we now learn, for the first time, that *the complainants* were punished, we are not told how or wherefore. This might have been anticipated indeed, from the Fiscal's prejudicating instructions to his deputy; instructions so framed (See Slave Colonies, p. 116.) as almost infallibly to ensure such a result.

19. The complaint against Mr. Spangenburg, (Slave Colonies, p. 111, and 1st Report, p. 37.) is met in the present Report, (p. 18.) merely by a statement of the accused, without any attempt at proof, lauding his own management, and denying the charge of over-working, of underfeeding and clothing, and of cruelly treating his slaves, which had been preferred against him.

20. The case of Scipio (1st Report, p. 11.) is repeated in the 2nd Report, (p. 19.) without the slightest variation; why, is not very obvious.

21. The complaints of the negroes on Plantation Berenstein, are simply said to have been "*greatly exaggerated.*"

22. The complaints of the negroes of Plantation Profit, (Slave Colo-

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nies, p. 117, and 1st Report, p. 64.) are said to have been refuted. The medical practitioner denied that *he* had *neglected* the sick; and the *result* is, that the complainants having "*failed to prove* any part of their statements, two of them were flogged, by the Fiscal's order." This is West India justice! And yet on the face of the very facts brought forward by the Fiscal, as exculpatory of the manager, Mr. Hutchinson, and the attorney, Mr. Munro, much of the complaints of the slaves is satisfactorily established. They complained, on the 27th of October, 1823, of a want of clothing. The refutation of this charge consists in a statement, that on the 22nd of March, 1822, more than nineteen months before the date of the complaint, each *man* had had a jacket, a hat, one yard of Salampore, and four yards of Osnaburgh; and each *woman* a jacket, a hat, five yards checks, and five yards of Osnaburgh. And this was their clothing for nineteen months!! Again their complaint of a want of salt fish, is answered by an evasive statement, that in forty-three weeks, 10181 lb. of fish had been *purchased for the estate*. How much of it was *distributed* is not stated, and yet the complaint was not that fish had not been *purchased*, but that, though it had been purchased, and there was fish on the estate, it was not distributed. But, even if the whole which was purchased had been distributed, it would only have afforded the regular allowance of three pounds a week to seventy-eight slaves. Now we understand, (if we are wrong in this fact, the Fiscal can set us right,) the number of slaves attached to the estate is at least double this amount. But clothing, it was said, was coming from England, and if the slaves had waited a little longer they would have been supplied. Still their complaint of an actual want of clothing is only the better established by this apology; and to flog them, therefore, for making that complaint, seems a most monstrous act of injustice.

Having now gone through the various particulars of the Fiscal's attempted vindication, we would take a general view of the facts attending it.

A motion was made in the House of Commons for a return of the proceedings of the Fiscal of Berbice, in regard to the complaints of masters and slaves respectively, during the preceding ten years. The return embraced only four of those years, namely, from 1819 to 1823. In by far the majority of the cases specified in this return, (in at least we may say three-fourths of them,) the Fiscal gave the facts as they stood in his minutes of evidence, without stating the decision to which he had come on a full consideration of those facts. Of about fifty cases to which his decision was annexed, it appears, that only nine were so far decided in favour of the complainants as that they escaped punishment, for having failed to prove their allegations; and, in forty-one cases, the complainants underwent severe punishment by the sentence of the Fiscal, on the ground that their complaints were either unfounded or exaggerated; in short, that they had not been fully proved. Out of this immense number of cases, therefore, even with the aid of the Fiscal's second report, we, as yet, know *certainly* only of *nine* in which the complainants were not sentenced to punishment; and in which, therefore, the judgment of the Fiscal must, on the whole, be considered as favourable to them. But of these nine, we, as yet, know *certainly* of

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only THREE where any punishment has been inflicted on the persons proved to have been guilty.*

But this was not all. The Report contained a vast variety of details, stated in evidence before the Fiscal, and minuted by him, to which no contradiction was given, or even doubt appended, but which it was utterly impossible to peruse without feeling, in common with Lord Seaford (late Mr. C. R. Ellis,) the most unmingled horror and disgust. It was to be presumed, and we conceive is still to be presumed, that these uncontradicted statements are substantially true; especially as by far the most atrocious and horrific of them are incontestably proved, and also admitted to have been true. Taking, however, such only into account as have been thus established, they have not only confirmed all that the abolitionists had asserted of the nature and effects of West India Slavery, but they have actually surpassed every thing which their fear of being charged with exaggeration had permitted them to attribute to that system. Those who doubt this have only to point out the single work of the Anti-Slavery Society, which can bear a moment's comparison with the Berbice Fiscal's official report, in exciting the abhorrence and indignation of the reader, as he peruses its unvarnished details. To the sickening influence of those details on the mind, no declamation can add force. They beggar the most intense epithets; and produce an impression, which no description, however eloquent, could hope to rival in poignancy and effect. And it is the climax of these horrors that most of them are not only not judicially punished, but are not legally punishable.

Then these transactions are recent. We had been accused of referring for our facts only to obsolete times. And, when quitting details, we took our stand on those impregnable general principles, which are of all times and countries, we were met with hardy affirmations of such improvements in the treatment of the slave, as placed him in point of com-

* It is impossible not to be struck with this very suspicious disproportion between the measures of punishment wherewith master and slave are visited; although the slave is, in almost all the cases, not the accused, but the accuser; nay, the *voluntary* accuser of his master or manager, under circumstances which might well deter him from complaint, unless driven to it by flagrant and intolerable oppression. One would have thought that the known liability of the slave to be remanded *in every case* (we speak of Berbice,) even where the complaint had proved to be well founded, into the power of an irritated owner or overseer, would have operated with sufficient force to deter him from rash or groundless charges; and that the fifty or seventy-five lashes, by which it appears to be so much the ordinary practice of the Fiscal to visit the complainant, might be spared. Let us reflect what the case would be with apprentices, or journeymen, or labourers, or servants in this country, if on every occasion of complaint, either of harsh usage, or of breach of contract, in which they might fail to make out their case in evidence, they were liable to the tread-mill, or to whipping, or to a heavy fine; and this too, not after a regular charge, examination, and trial, with the usual formalities, and the usual opportunities of exculpation and defence; but on the ground of the incidental discovery, by the magistrate, on the trial of another person, of some unexplained difference between the charge and the evidence adduced to support it. The prosecutor is thus placed in greater peril than the defendant. Such a principle is utterly unjust, and we shall never cease to lift our voices against it, whilst it continues to pollute and disgrace our Colonial Statute books. How deeply do we lament that His Majesty's Government should have so hastily given their sanction in the Trinidad Order in Council, to such a principle as this! It is directly at war with those better principles which have been so clearly enounced by Lord Bathurst in various dispatches; and by Mr. Canning, Mr. Peel, and the Attorney General, in their speeches on Mr. Denman's motion in the House of Commons, respecting the Jamaica trials. These three agreed that, "*it was indispensable to the ends of justice that there should be, both in form and substance, an equal administration of it to black and white.*" And Lord Bathurst, over and over again, marks it as gross injustice to inflict a severer punishment on a slave, "whose ignorance is an extenuation of his guilt," than on those "for whose guilt no such extenuation can be presumed." If slaves, indeed, prefer *malicious* complaints, let them be punished; but then let it be after the same fair and regular trial and conviction which are required in similar cases in this country.

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fort above the British peasant. In our misplaced philanthropy, we were told, that we were actually wresting from the happy negro the enviable state of repose and prosperity which his benevolent owner had been employing the plenitude of his power to secure to him. "Look at the facts of the case," said they, tauntingly, "Listen to the Governors, the Judges, the Magistrates. Hear their unqualified eulogies, in one accord, proclaiming the tender and sympathizing and sleepless humanity of the master; and the lively gratitude and confiding joyousness of the slave, who would not exchange his chains for freedom if he could." Alas! alas! that such an illusion could possibly, even for one moment, have influenced a single mind that is considerate enough to appreciate the necessary effects of despotic power both on master and slave! In whatever degree the illusion prevailed, it must have vanished before the Berbice Fiscal's report. We feared, however, that when the sudden and palpable effect on the public mind, produced by that report became known, we should look in vain for further reports of the same kind. But we did not sufficiently comprehend the obtuseness of feeling which a familiarity with such scenes is calculated to generate: for we have here a second Report from the same source, not drawn forth reluctantly like the first, by a mandate of the House of Commons, but spontaneously proposed by the Council of Berbice, and, in compliance with their requisition, furnished by the Fiscal, for the declared purpose of repelling the calumnies which some wicked persons in England had been so malignant as to vent against that pure, lovely, and beneficent system, denominated Negro Slavery.

Of the success of the second report of the worthy Fiscal in accomplishing its declared object, those who have accompanied us thus far are in a capacity to judge for themselves. But we do not anticipate one note of dissent, when we state that, for our own parts, we have risen from its perusal with every previous conviction of the enormity of the Colonial System deepened, and with every resolution to promote its early and final extinction strengthened. That vile system cannot last. The press may pour forth in the next year, as in the past, pamphlets rich in *practical considerations*. Voluminous reports, which no one reads, may again load the table of Parliament, and may again bring forward the very strongest *physical* reasons for *coercing the labour of Africans* in *tropical lowlands*. The changes may continue to be rung on the increase of *national wealth*, to be derived from this coerced labour, which it nevertheless requires the sacrifice of an immeuse sum annually on the part of the public to maintain. In this course we may possibly persist for some time longer, notwithstanding the misery and waste of our slave population, and the deep injury to our own manufacturers, which are its direct and inseparable consequences;—but the day *must* arrive, and it cannot be far distant, when these refuges of lies will be swept away, and, in despite of all opposition, the oppressed slave, in every corner of the British dominions, will, at the persevering call of religion, humanity, and justice, be rescued from the yoke of his cruel bondage. May the Almighty hasten that happy period!

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London, 18, *Aldermanbury*, *Feb.* 28, 1827.

No. 21.

ANTI-SLAVERY MONTHLY REPORTER.

The "ANTI-SLAVERY MONTHLY REPORTER" will be ready for delivery on the last day of every month. Copies will be forwarded, at the request of any Anti-Slavery Society, at the rate of four shillings per hundred, when not exceeding half a sheet, and in proportion, when it exceeds that quantity. All persons wishing to receive a regular supply are requested to make application to the Secretary, at the Society's office, No. 18, Aldermanbury, and mention the conveyance by which they may be most conveniently sent.

RECENT TRANSACTIONS IN THE SLAVE COLONIES.

WE propose to devote this number of the Reporter to a brief notice of some recent proceedings in the Colonies, chiefly those which have arisen out of the instructions transmitted during the last year by Earl Bathurst to the different Governors, on the subject of the reforms to be submitted to the Colonial Legislatures. We shall soon, without doubt, have a full and official detail of the result of these proceedings laid before the public by His Majesty. In the mean time, it may gratify the eager curiosity which our readers in all parts of the country feel on the subject, to furnish them with a few of our gleanings from the Colonial Journals.

The following appear to have been the propositions of Lord Bathurst:—

1. The establishment of a protector and guardian of slaves.
2. The admission of the evidence of slaves in Courts of Justice.
3. The giving to slaves a power, under certain regulations, of purchasing their freedom.
4. The legal institution of marriage among the slaves.
5. The suppression of Sunday markets and Sunday labour.
6. The conferring on slaves a legal right of acquiring, preserving, and transmitting property.
7. The prohibition of the separation of families by legal process.
8. The abolition of the driving-whip; the regulation and record of punishments; and the abolition of female flogging.

We will not now stop to inquire how far the propositions of Lord Bathurst, in the shape in which they were thus transmitted during the last year to the Colonies, fall short both of the promises originally held out to the public and to Parliament, by His Majesty's Government, and even of the model of the Trinidad Order, in which they were first embodied. That very important branch of the subject we must reserve for a future and separate discussion. We shall confine ourselves, at

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present, to a statement of the reception which the Colonial authorities appear to have given to His Majesty's recommendations.

By most, if not all of the Assemblies, the Bills, founded on those recommendations, on being presented, were promptly and unceremoniously rejected. They were rejected on the strange and absurd ground that it was an infringement of their constitutional liberties, for the Ministers of the Crown to propose measures for their deliberation and adoption. Even in the Imperial Parliament, where constitutional liberty is, at least, as well understood and as justly appreciated as in our Slave Colonies, we have never heard such an objection made to any measure, or set of measures, presented to the consideration of Parliament. The absolute folly and inanity of such an objection furnish a fresh proof of the incapacity of these Assemblies for the task of legislation. Who would think of throwing out a bill, for the improvement of our criminal code in this country, because it had been prepared in the Cabinet with the aid of the law officers of the Crown, and introduced to Parliament by His Majesty's Secretary of State?

In thus rejecting, however, (without the slightest reserve, and with furious tirades about that constitutional liberty which they are daily outraging in the persons of others,) the whole of the propositions laid before them by His Majesty, the Assemblies appear to have been quite sensible, that there was peril in adhering to their former declarations against all improvement of their slave code. They accompany their rejection of Lord Bathurst's Bills with a resolution to revise their slave laws, in the view of introducing such ameliorating changes as might be compatible with their own dignity as independent legislators, and with the safety of the Colonies. We shall see presently how their professed purpose has been carried into effect. We shall select for our review the largest of the Colonies.

JAMAICA.

1. *The establishment of a protector and guardian of slaves.*

This proposition has been rejected, on the pretence that an adequate and much safer substitute already exists in the local magistracy, and the vestry of each parish, who now constitute by law a council of protection. That is to say, the very persons against whom it is the purpose of the crown and parliament to protect the slaves, their owners and managers, are designated by the Assembly of Jamaica as their sole protectors. This is like constituting the wolf the guardian and protector of the lamb.

All the colonial legislatures, we believe, have been equally unyielding on this point.

2. *The admission of the evidence of slaves in courts of justice.*

The proposition of Lord Bathurst on this subject was, that all slaves of whom any clergyman, or catholic priest, or minister duly licensed, should certify that they understood the nature of an oath, should be recorded and received as competent witnesses in all courts, *civil* or *criminal*, with the exception of *civil* suits in which the owner was interested, and *capital* charges against *free* persons.

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The objections to this last exception are obvious enough, and have often been pointed out in this publication, (see especially No. 11. p. 136—138.) But the proposition of Lord Bathurst, however defective, is a large advance in the progress of improvement, when contrasted with the provisions which the Jamaica Assembly have adopted on this subject; and which, whatever be the intention of the framers, it is obvious, in practice must operate very inefficiently.

In the first place, the testimony of slaves is to be admitted only in *criminal* cases; nor can it be received at all without a certificate of baptism. But no measure is adopted for keeping a record of those who are thus certificated, and the certificate must always be ready to be produced at the time of trial.

The certificate being produced, the justice, or the coroner, or the court, is, by an examination of the slave, to ascertain, to the satisfaction of the said justice, coroner, or court, that he is so far instructed in religious knowledge as to comprehend the nature and obligations of an oath; such justice, &c. being, of course, empowered to determine whether he shall be received as a witness or not. And this process of examination and decision is to be only preliminary to, and independent of all those objections to competency which might be legally raised in the case of free persons. And after these obstacles are surmounted, no white or free person shall be convicted on the testimony of slaves, unless two slaves at least, clearly and consistently with each other, depose of the same fact or circumstance, such slaves being examined apart and out of the hearing of each other. Nor can any free person be convicted on the testimony of slaves, if not prosecuted within twelve months after the crime has been committed. Another clause provides, that in order to remove all temptation to perjury, on the part of a slave required to give evidence, the court, in case of the owner being convicted on such evidence, shall not have a power to declare such slave free.

Such is the new law of Jamaica, (the result of much prolonged discussion, and of many high-raised expectations,) on the subject of the admissibility of slave evidence. And although, in one respect, it goes beyond Lord Bathurst's instructions, in not excepting capital cases, it must nevertheless prove very inoperative. Slaves are excluded entirely from giving evidence in civil suits. The individual slave, even in criminal cases, is never to be endowed with a legal competency. On each fresh occasion of his being called to give evidence, he is to be questioned anew, not as to any bias he may have with respect to the particular cause in hand, but as to his religious knowledge. He is to undergo a fresh inquisition on this subject on each new trial, and to be admitted or rejected without a reference to any previous admission, according to the varying judgment of each new inquirer. What a door is here opened for every species of injustice, for the operation of ignorance and caprice, and even of favour to the accused! And then the degree and soundness of the poor slave's religious knowledge are to be appreciated, not by his pastor or teacher, whose attention has been particularly directed to his intellectual and moral state, but by one or more Planters, men distinguished, as we all know, by

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their moral tastes and theological discernment. Mark, too, the extreme harshness of that provision (a kind of parting blow at the slaves) which actually shuts out, from the discretion of the Court, the question of emancipating a maimed and dismembered slave from the power of a master convicted of maiming or dismembering him, merely because the slave, in exhibiting his mangled body, may have also borne conclusive testimony against his ruffian owner.

Such appears to be the law of slave evidence which has at length been enacted by the legislature of Jamaica.*

3. *The giving to slaves a power under certain regulations of purchasing their freedom.*

This proposition is absolutely and entirely rejected in Jamaica, and, we believe, in all the other Colonies having legislatures of their own. The unbending resistance with which this fair, moderate, and reasonable proposition has been met by them all is a decisive proof of the utter hopelessness of the willing adoption, by the Colonists, of any measure which tends, however remotely, to the extinction of Slavery. It is impossible to conceive any measure leading to that end which would be attended with less possibility of any private loss or public inconvenience than that which makes manumission the effect of the steady industry of the slave. The experience of the Spanish Colonies has proved its perfect safety; while the provision which secures to the owner the full value of his slave takes away the very slightest ground of complaint on the score of uncompensated reform. And yet this is a measure to which an uniform and unqualified and most determined resistance has been made in all the Colonies. The Colonies, therefore, are here brought into direct conflict with his Majesty's Government. Lord Bathurst has pressed the measure upon them in the very strongest terms. "No system of measures," he observes, "will satisfy the feelings of this country or execute the purposes of the House of Commons, which does not contain some direct provision, some acting principle, by which the termination of Slavery may be gradually accomplished." The giving to the slave the right of purchasing his freedom, his Lordship declares to be "a vital part of the question" which "cannot be dispensed with." His Majesty's Government, he tells the Colonists, "stand pledged to take such measures as may ultimately, though gradually, work out the freedom of the slaves;" and they may be assured "that, from the final accomplishment of that object this country will

* In one of the clauses a provision is introduced for ensuring the attendance, in certain cases, of slave witnesses, by confining them in jail. While so confined, the slave is to be allowed one shilling and eightpence *a day* for his maintenance. We call the attention of our readers to this circumstance, because it forms a curious contrast to the allowance provided by the consolidated Slave Law of Jamaica for the maintenance of working slaves, namely, three shillings and fourpence *a week*; being, as it were, their board wages in lieu of provision grounds and time to cultivate them. Now, at the rate of the jail allowance, this ought to be eleven shillings and eightpence instead of three shillings and fourpence. On the other hand, if one shilling and eightpence per day be not an excessive allowance, (and why should we presume that it is?) how very scanty must the allowance of three shillings and fourpence per week be to a working slave!

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not be diverted." So decided is his Lordship on this point, that he assures the local authorities of Demerara, that if they should persist in declining to admit the proposed regulations respecting manumission, he shall have no other alternative than that of "submitting to his Majesty the expediency of enacting them by direct Royal authority."

The contumacious resistance of Demerara, which called forth these observations, having been followed by all the Colonial legislatures without exception, there seems now to be no alternative but that of either yielding to the waywardness of the Colonists, and abandoning a measure, the forlorn hope of humanity, to which the Government is so deeply pledged; or of "submitting to Parliament the expediency" of giving effect by a positive enactment to its own declared but contemned wishes.

The absurd and extravagant language which the colonists employ in justifying their opposition to this measure, is evidently dictated by mere prejudice and passion, and not by reason or sober calculation. "Compulsory manumission," say the legislators of Barbadoes, "is a direct invasion of the right of property," nay, "absolutely destructive of that right, by investing slaves with the power at their own will, and against the will of their masters, of purchasing their freedom. If this were once admitted, there would be an end of all security to mortgagees and others;"—as if the fair value of a slave in money were not a better security than the slave himself;—"Any attempt at compensation would only prove delusive." "Unless, therefore, it is intended to ruin the colonies, and to convert every plantation into a poorhouse, the plan of compulsory manumission must be abandoned." This blind and infatuated obstinacy, on the part of the colonists, we trust may lead Parliament to consider seriously the basis on which the whole system denominated Negro Slavery rests; and when they find it, as they must find it, to be bottomed in wrong and robbery, to be from first to last an outrage on every principle of justice, as well as a violation of every principle of constitutional law, that they will determine to abate the nuisance by means far more prompt and effectual than had previously been contemplated. The colonists ought to remember that the question lies between them, a handful of planters, and 800,000 of our fellow-subjects, equally with them claiming our sympathy, and equally with them entitled to the protection of constitutional law, and to the privileges and immunities which appertain of right to every liegeman of the British crown. It is vain for them to think of long retaining their present monstrous usurpation over so large a portion of their fellow-creatures and fellow-subjects; and if, like Pharaoh, they harden their hearts against the claims of justice and mercy, and set even the commands of God at defiance;—if they will reject all rational expedients for putting an end to the evil, and "will not let the people go," even when their price is paid;—what is to be expected but some such calamity, the operation of a mighty hand and outstretched arm, as, in the case of that tyrant, effected the emancipation of his bondmen by means which not only could not he control or resist, but which overwhelmed himself in a fearful destruction? It seems, however, as if they would take no warning either from ancient or modern history; either from

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Egypt, or from Hayti; and as if they would, like Pharaoh, harden their hearts still more, until the consummation of their present resistance is rendered as fatal as was the termination of that oppressor's contest with Moses.

4. *The legalizing of the Marriage of Slaves.*—A clause has been introduced into the Jamaica Act, requiring and authorizing any *clergyman* only, (and not other ministers as in Lord Bathurst's draft) to solemnize the marriage of slaves *who have been baptized*, and who produce the permission of the owner in writing. If an owner refuses his consent, the slaves desirous of intermarrying may, if they both belong to the same owner, but not otherwise, appeal to the vestry, who are required to inquire into the cause of refusal, and decide whether such marriage shall take place or not. This law, without doubt, may enable slaves, belonging to the same owner, to intermarry; but it makes no provision for slaves desirous of intermarrying, who belong to different owners. And as a considerable number of slaves in Jamaica already have wives, or at least reputed wives and children, on neighbouring estates belonging to different owners, the effect must be that such unions will not be legalized, however long they may have lasted. Indeed, it cannot strictly be said that any marriages of slaves are legalized by the mere permission or authority given to the clergyman to perform the marriage ceremony. Lord Bathurst seems to have thought so, for he had introduced a proviso into his draft, that all marriages of slaves, performed according to the rules laid down, should be *declared* legal and valid. The Jamaica Assembly, on bringing in the bill, omitted this proviso, and it does not appear whether the defect was afterwards supplied. But if not, it will be doubtful whether any connubial rights whatever are conferred on the parties, by the mere *permission* of the marriage ceremony. Besides this, the plan of referring cases of slave marriage, not to a Protector, as Lord Bathurst proposes, but to an assembly constituted as is a Jamaica parish vestry, is throwing such ridicule on the whole affair, and interposing such obstacles, as would render an appeal of this kind not only undesirable, but almost hopeless as to its result, and would also discourage slaves from making it. Some idea may be formed of the scenes likely to occur, on the occasion of such appeals, from the levity displayed, in the Assembly itself, on the discussion of this subject.

Lord Bathurst required that a record should be kept of the marriages of slaves; and indeed, without such a record, the ceremony of marriage must be of little value. The Assembly of Jamaica have omitted this provision also; an indication that the real object which they had in passing this law, was not to give a legal validity to marriage, but to furnish their friends at home with an argument in their favour, drawn from their apparent, but delusive compliance.

5. *The prohibition of Sunday markets and Sunday labour.*

No notice is taken of the subject of Sunday *labour*. A feeble attempt at compliance on the subject of Sunday markets is made by a clause which limits them to the hour of ten o'clock. But such a

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limitation is obviously wholly impossible, while slaves have no other day allotted to them by law, in lieu of Sunday, for their marketings; and for the other uses to which the Sunday is at present necessarily applied. The law, as it now stands, would be too oppressive to be enforced; and therefore, we presume, it was enacted in its present form. It is necessarily, therefore, extinct before its operation commences, and must be felt to be so by every man in Jamaica. That slaves should travel with their heavy loads ten, fifteen, twenty miles to market, effect their sales, and make their purchases, by ten in the morning, is too absurd to be thought of, and if the law were enforced, would be one of the most severe and oppressive enactments in the Jamaica statute book. But it cannot be enforced, while Sunday continues to be desecrated as the only day fixed for the purposes of universal traffic, among the slaves of the Island. It will not do to say that markets may be held on another day, unless that day is *given* to the slave as Sunday is now given to him, for the purpose of marketing. It was one of Mr. Canning's most distinct and unambiguous pledges, to Parliament and the public, that Sunday markets and Sunday labour should be abolished, and equivalent time in lieu of the Sunday be given to the slave. And the equity of this proceeding, even if we admit that Slavery, as an institution, may lawfully exist, is so manifest at first sight, that one stands astonished at the obstinate resistance almost every where made to its adoption. Lord Bathurst has stated the case with a clearness and force which are irresistible, even on West Indian principles.

"The master," His Lordship says, "is entitled to the labour of the slave for *six* days in the week, but he is not entitled to more; and out of the profits of the *six* days' labour the slave must be supported. The seventh must belong to the slave entirely for his own profit and advantage. I can perceive no difference in principle between the practice of purchasing food for negroes, who are exclusively employed for six days in the service of their masters, for their support during the whole week; and of appropriating an adequate portion of time, *during the six days*, for the cultivation of their grounds." The master, therefore "can have no possible claim for the service of his slave on the Sunday, whether those services be for the execution of work exclusively to be performed for himself; or for the cultivation of provision grounds, by the produce of which he is to be relieved from the support of his slaves. Nor can he be considered as entitled to compensation for that day, which he may permit his slave to appropriate *during the six working days:* for he makes this arrangement to supersede the necessity of purchasing provisions for his slaves." Thus "The master is not deprived of the service of his slave on any day except Sunday; and it is to be hoped, that no christian master will so far forget himself, as to claim indemnity for that which his religion must have taught him he ought never to require."

To this hour, however, this able and unanswerable reasoning of Lord Bathurst has remained without its due effect in any one of the Colonies; and in all but one it has hitherto had no effect at all. In none of them is one of the six working days given in lieu of that Sun-

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day, which has hitherto been appropriated to marketing and to raising provisions for the slaves' subsistence. And yet abolitionists are charged with precipitation and unreasonable violence, when they complain of the slow progress of Colonial Reform.

6. *Granting to the slaves a legal right of property, and establishing banks for their savings.*

The regulations proposed by Lord Bathurst on this subject are substantially the same with those which form a part of the Trinidad Order in Council; and the rights which they convey to the slaves, are probably as large and as well secured, supposing slave evidence in civil cases to be admitted, as the untractable nature of slavery will permit.

In the place of these regulations the Assembly of Jamaica have framed a clause which mentions, it is true, the property of slaves, but leaves out all the effective provisions for the security of that property which are contained in the Trinidad Order. The preamble is sufficiently imposing —"And whereas, *by the usage of this Island*, slaves have always been *permitted* to possess *personal* property, free from the control or interference of their owners; and it is expedient that such laudable custom should be established by law, be it therefore enacted, &c." And what is the enactment which follows? It is not that their right of property shall be established by law, but that any owner or other person taking from a slave any property, of which the slave is *lawfully* possessed, shall forfeit and pay ten pounds, over and above the value of such property, if the fact is proved before three justices of the peace. It is not even shewn what it is for a slave to be *lawfully* possessed of property, or how he is to prove this preliminary condition. No means of suit are given him in the case of debt, or bequest; and, indeed, being debarred from giving evidence in any civil cause, to grant him a power of civil suit might seem an anomaly. And in the absence of this power, no one is appointed to sue on his behalf. There is no *Protector* to take up his cause. The very *lawfulness* of his possession of property is made to stand on some vague reference to the usage of the Island; and even this indirect and ambiguous sanction is confined to *personal* property; while no Savings' Banks are instituted where security may be given to what he may acquire. The robbing him of his property, however valuable, is not made a larceny, or a felony, as the case may be, but a matter to be settled by a penalty of ten pounds, on the decision of three justices; but no mode is pointed out of enabling him to apply to them. In short, the clause is a mere apology for refusing to admit the proposition of Lord Bathurst on the subject, and the slave is left precisely in the same helpless and unprotected state, as to all essential rights of property, in which he was before the act was framed.

7. *Prohibiting the separation of families by sale.*

Lord Bathurst's requisition on this point is extremely moderate, far too much so to serve any substantial purpose of amelioration. He proposes that no slave having a husband, or wife, or child under a certain age; or reputed husband, or wife, or child, the property of the same owner, shall be levied on, or sold by *legal* process, unless together in

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one lot, and to the same purchaser. The obvious defect of this provision is, that it is limited to slaves sold by legal process, and does not extend to voluntary sales by the master; and that it excludes from its operation slaves married, but belonging to different owners. The Jamaica Assembly seemed at first sight inclined to go beyond this limitation, for it was proposed "that it shall not be lawful in cases of sale" (making no distinction between voluntary sale by the master, and sale by legal process) "to separate married people from each other, or their legitimate issue,* if under ten years of age, provided the parties belong to the same owner; and it shall not be lawful for any collecting constable, the Provost Marshal, or any of his deputies, to levy upon, or sell them separately." This clause, however, was rejected; and the only provision that appears to have been made on the subject, is to render more precise the old law of the 8th of George the 2nd., by which, when slaves are levied upon in execution, IF mothers and children under ten years of age are seized together, they shall also be sold together. Some of the arguments employed in discussing this question, will throw light on the state of feeling, among even the higher classes in Jamaica. Mr. Brown said it would be very hard upon a man who owed a small sum of £50., to have a whole family sold by the marshal. (The hardship inflicted on the slave is made no account of.)—Mr. Batty proposed that families should not be separated by voluntary sale.—Mr. Hilton objected to this, (and his opinion prevailed,) that it would be violating the rights of property to dictate to the master how he should dispose of it: he had a right to sell one, or more, of his slaves, according to his wants and inclinations, in the same way as he had to dispose of any other property. The proposed clause he considered as an invasion of property.—Others argued that such an enactment would be hard on the slaves, as well as on the masters. One slave of a family might become dissatisfied with his master and wish to be sold; one might prefer a town life, another a country life; one might be a notorious rascal whom it was the desire of the rest of his family to get rid of. Such are the reasons which avail in Jamaica to perpetuate one of the worst evils of Slavery!

8. *The abolition of the driving-whip and of the flogging of women, and the modification of punishment.*

It was not even proposed that *driving* in the field, or the flogging of females, should be abolished, but merely that the cat should be substituted for the cart-whip, both to coerce labour and to inflict punishment; and that, in the whipping of women, there should be no *indecent* exposure. Both these propositions however were rejected. If we adopt such an innovation, said Mr. Hilton, on the established usages of the Colony, now that the Duke of Manchester is about to leave the Island, the slaves will imagine that our conduct has been disapproved of by the King, and that we have been compelled to relinquish the whip, and with it every means of punishment and restraint. I disapprove of the law prohibiting the indecent exposure of women, because it is un-

* How many *legitimate* children of slaves are there in Jamaica?

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necessary, and implies that we allow them to be indecently exposed. But the females require punishment, at least as often as the men. Flogging with the cat is an inhuman punishment, as practised in the army. God forbid that we should have recourse to it.—Mr. Mais declared, that the slaves preferred the cart-whip to every other instrument of punishment, as being more mauly; switches, &c. being only fit for children.—Others confirmed the fact of the preference of the cart-whip to switches; but it was evident from the details that the real cause of the preference was, that the law affixed a limit to the number of lashes inflicted with a cart-whip, namely, thirty-nine; and that switches were administered without any such reserve. Now it may be possible that 500, or 200, or even 150 strokes of the prickly ebony, the switch generally used in flogging slaves, may draw more blood, and lacerate the flesh more, and cause severer suffering than thirty-nine lashes of the cart-whip; and also that from the noiseless infliction of the former, much more lengthened flagellations may be given than in the case of the cart-whip which conveys the report of every stroke to the adjacent plantations, and to the traveller as he passes along the road. But what does all this say for the system; a system which continues to place in the hands of individuals, many of them of the lowest description, this tremendous power of punishment? Think what would be the condition of the peasantry of this country if debates in our legislature were to turn on the question, Whether every farmer in the land should have the power of inflicting, on the naked posteriors of his labourers, whether male or female, either the lacerations of the cart-whip, or the sharp prickings of the ebony bush?

A speech of Mr. Barret's embodies the arguments on the other side of the question. He observed that it was no reason for refusing to abolish the cart-whip that its abolition had been recommended by Government. That was no reason for rejecting a measure beneficial in itself.—"But I do deny that his Majesty's ministers alone, or that our countrymen in Great Britain alone, view the cart-whip as a base, cruel, debasing instrument of torture. Every person of humanity in the colony, every being whose heart is not callous, pants for the abolition of this detestable mode of punishment. You are told, that to abolish the use of the cart-whip is an innovation. It is indeed an innovation, so was the abolition of the rack and the thumb-screw, and such like instruments, the fellows of the cart-whip. But I have yet to learn that these innovations have undermined the civil institutions of Europe. I do not hesitate to say, I do not hesitate to declare to all who hear me, that the cart-whip is a horrible, detestable instrument, when used for the punishment and torture of slaves. I do say that 39 lashes with this horrid instrument can be made more grievous than 500 lashes with a cat. Honourable members may raise a clamour against me, but they will do so in vain. They are afraid to hear the truth respecting this odious, this horrid, this detestable instrument. Clamour shall not put me down. The time, I hope, is not far distant when the cart-whip will be abolished even as an emblem of authority. On my own estate I have entirely abolished it, and also the cat. I do not even allow the infliction of the cart-whip on the cattle of my property, so abhorrent

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is the instrument to me as an engine of cruelty. Honourable gentlemen contend that the cart-whip is an instrument of punishment less severe than the cat. I shall not determine how many stripes of the latter are equal to one of the former, but I will put the question thus; Whether a given number of lashes by the cart-whip are not more severe and more lacerating than the same number by the cat? You say, a greater number of stripes are inflicted by the cat in the army than are allowed to be given by the cart-whip. But how are the former inflicted? Not at the caprice, at the will, at the passion or rage of an individual, but after a solemn trial by a Court-Martial, where the offender's superiors, unbiassed, unprejudiced, and with calmness, deliberate upon the charge brought against him." He might have added that their sentence is also subject to the review of their superiors. "But the punishment of the cart-whip is inflicted at the pleasure of an individual, at his sole command, as caprice or passion dictates. Sometimes one slave inflicts it at his discretion upon another slave. Sometimes it is ordered by the book-keeper or overseer, or proprietor of the lowest order, men too frequently most unfit to apportion punishment. To me, the predicted danger from abolishing the cart-whip seems totally imaginary. Its use has been abolished in many places, and having been accustomed to witness its spontaneous abolition in many places, there can be no fear, when the measure is made general, and passes into a law, that they will mistake our lenity, or suppose it was forced upon us."

The clause for substituting the cat for the cart-whip, was negatived by a majority of 28 to 12, as was that for prohibiting the indecent exposure of women.

A limitation of punishment, at the discretion of individuals, appears to have taken place in Jamaica. They are said to be prohibited from giving more than twenty lashes at a time, or from confining a slave more than ten days in the workhouse, without the authority of a magistrate.

The prohibition of the driving whip, and the flogging of females, and the record of punishments, have been rejected, not only by Jamaica, but by Barbadoes and the Bahamas. "To forbid," says the Assembly of Barbadoes, "by legislative enactment, the flogging of female slaves, would be productive of the most injurious consequences." In the case, for instance, of domestic females, they argue, that it is quite apparent how objectionable it would be to forbid their being flogged. As for the driving whip, they consider it to be inseparable from slavery. "The recording of punishment by whipping," they add, "being consequent on limiting it to a given number of lashes, and the Assembly being of opinion that *in the hands of a relentless executioner, a given number of stripes may, under the sanction of the law, be so inflicted as to amount to an act of cruelty*"—the Assembly seem to have thought, that the ends of humanity would be best answered, by leaving every man to give as many lashes as he pleased, and by not requiring him to record them; but to refer it to the Justices, on a complaint being made, to determine whether cruelty had been committed or not.

This is a view of the subject, altogether worthy of the Assembly of

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Barbadoes! It is a view, however, from which it is but just to say, that the Council of that Island have dissented. They passed a Bill for effecting the very objects which the Assembly think so unnecessary, but it was rejected in the lower house.

The case in Jamaica was similar; and the Council there, desirous of delivering themselves from the discredit of having concurred with the Assembly in rejecting so many measures of amelioration, presented an address to the Duke of Manchester, at the close of the session, exculpating themselves from being parties to that rejection, saying, that they had proposed a variety of amendments, to which the Assembly had disagreed. The Duke nevertheless lauds the Assembly.

In the new slave law of Jamaica, in addition to the changes already noticed, is a clause for obliging owners, who manumize old or infirm slaves, to provide for them, by allowing them ten pounds a year.—The law for punishing cruelty, has also undergone some modification; and to *brand* a slave is now, for the first time, subjected to a penalty not exceeding £100, (£70 sterling,) or a year's imprisonment. In other respects the new law does not differ substantially from the old, of which it retains with some slight change, we are sorry to say, the following unjust provision—"and if it shall appear to the Council of Protection that the complaint of the slave is frivolous or unfounded, it shall be lawful for them to dismiss the complaint, and to direct such slave to be delivered over to his master; or to direct such punishment, by confinement to hard labour, or whipping, or both, as to them may seem proper."—It is still made a capital crime in a slave to *compass* or *imagine* the death of a white person. This is indeed giving to each white the attributes of a despot.

Some improvements are also introduced into the mode of conducting the trial of slaves, but we think it a monstrous provision which excepts, from the necessity of referring to the Governor all cases of capital punishment for his revision prior to the execution of the sentence, the cases of rebellion and rebellious conspiracy; the very cases, of all others, which the ends of justice require should be most calmly and dispassionately investigated.

Two petitions having been presented from a few white persons in each of the two parishes of St. James's and St. Elizabeth's, in favour of the people of colour, an attempt was made, by one of the members of the Assembly, to obtain for them some extension of civil and political privileges, particularly the elective franchise, which it was proposed to confer only on such as should possess freeholds of the value of £100 a year, (the qualification of a white being £10 a year); and also the power of saving deficiencies for estates belonging to whites, on which persons of colour serving in the militia might be engaged as bookkeepers or overseers. The attempt however met with no support. The only point gained for them has been the repeal of an act of the 10th of Queen Anne, making it penal to employ a free black, an Indian, a person of colour, or a Jew, in any public office. The heavy fees also which it had been customary to exact from those who, by private legislative acts, were raised to the privileges of the white class, have been abolished.

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In former sessions, the House of Assembly signalized their liberality by their largesses to their advocates, the Editors of the John Bull, and the Glasgow Courier. Their late session produced a resolution of a similar kind, directing their agent, Mr. Hibbert, to circulate gratuitously, in such manner as he may consider most beneficial to the colonies, a thousand copies of "A practical view of the present state of slavery in the West Indies, by Alexander Barclay;" and of a pamphlet by A. H. Beaumont, entitled "Compensation to Slave Owners, fairly considered in an appeal to the common sense of the People of England:" —two works which, whatever claims they may possess to the favour of this illustrious body, have certainly none to the public confidence on the ground of their fairness or truth.

Another instruction given to their agent is still less creditable to their sagacity and ingenuousness. On the 14th of October, 1826, there appeared in the Royal Gazette of Jamaica, a proclamation pretended to be issued in Hayti, by the President Boyer in April or May, 1826; which, however, has proved to be a forged and fabricated document. It had in substance been issued by Toussaint Louverture in 1799, under widely different circumstances; but it was now vamped up, and in a mutilated and garbled state palmed upon the public as a proof of the severe coercion which was requisite to obtain from the population of Hayti, in the present day, an adequate measure of industrious exertion.

On the ninth of November the subject of this proclamation was brought before the House of Assembly by Mr. Atkinson. They had all seen, he said, a proclamation of the Haytian President,—a document which he considered of material assistance at the present period, when that house was called upon to adopt a parcel of nonsensical measures for the regulation of our slave population, quite incompatible with their habits and customs. This proclamation was without date, but its contents specified that compulsory labour must be resorted to in the free state of Hayti, and this circumstance ought to be made known in England. He then commented on the coercive measures resorted to in Hayti to enforce agricultural labour. The proclamation, he added, had certainly come in an unauthenticated shape, and the house therefore could not treat it as an official document. He had, however, subsequently obtained a copy of a printed code of laws, dated in April last, which was in force there, and which embraced the regulations entertained in the proclamation.* In this code, it is enacted that *free* persons, wandering from the plantations on which they and their parents had been domiciled, shall, in the first instance, be subject to fine and imprisonment, and for a repetition of the offence, to corporal punishment by the military; the extent of which, however, was not mentioned. Many of the minor regulations, he added, were analagous to the laws of Jamaica; the hours of labour of *these free men*, being similar to those of this Island.—He moved that a copy of this code should be transmitted to the agent, for publication in England.—The course proposed by Mr. Atkinson was objected to by several members, and it was sug-

* The fact is, as may be seen on an inspection of the two documents, there exists no relation whatever between them.

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gested to him to withdraw his motion, and to lay the documents before the Committee of Correspondence. This he accordingly did on the following day, the 10th of November; when the Committee of Correspondence, apparently without having taken the slightest pains to enquire into the authenticity of these documents, for the slightest pains would have at once discovered the utter spuriousness of the proclamation, did, on that very day, resolve to direct that the documents should be forwarded to the agent, for the purpose of being published in several newspapers, both in England and Scotland, and a copy to be furnished to every member of the Lords and Commons.

These orders were, in part, faithfully executed by the agent; and accordingly the proclamation, and its attendant extracts from the Code Rural, made their appearance, in due time, in the newspapers of England and Scotland. Whether they have been transmitted to all the members of the Lords and Commons, we know not. That part of the order may have been suspended, by a discovery that the proclamation which formed the main, indeed the only material feature in the case, was not only spurious, but an absolute forgery: Boyer's name having been fraudulently affixed to it, by some one of those through whose hands it had passed.

With respect to the Code Rural, the parties possessing that document, if there be any such document in their possession, have chosen to give us only about 15 or 16 clauses out of at least 200, of which it is implied that the code consists; so that if it be not, as is most probable, as spurious as the proclamation, it is sufficiently garbled and mutilated to render this fragment of it an object of grave suspicion. Even of these most suspicious extracts from an unproduced document, Mr. Atkinson, and the committee of the Jamaica Assembly, grossly misrepresent the purport. There is not the slightest allusion, in any one of them, to corporal punishment, or a single syllable which, fairly construed, implies more than the regulation of the hours of hired labour, and the repression of vagrancy—points which are no where more scrupulously provided for, than they are by the laws of Great Britain. That such a document, supposing it to be real, should be adduced as a proof of compulsory labour, shews the desperate weakness of the cause it is employed to aid; and that it should be appended to a false and forged document, by the very hands which have given it to the world, is a *prima facie* ground of utter discredit, until information can be obtained from some more direct and less polluted source.

The above details respecting recent proceedings in the West Indies are as accurate as we have been able to make them. They are taken in every instance from the Colonial journals.* Still some variations, either for the better or the worse, may have taken place in the details of some of the enactments, by means of minute and unnoticed amendments, before their being finally passed into a law; of these we shall be anxious to apprise our readers, when the official documents shall be laid

* Viz. Royal Gazettes of Jamaica of the 21st of October; 11th and 25th of November; and 2d, 9th, 16th, and 23d of December; and the Barbadian of the 8th of December, 1826.

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before Parliament. In the mean time, we have done our best to give a faithful abstract of what has been done by the Colonial legislatures according to the information actually before us. The accounts from the smaller islands furnish no details that can be relied upon.

There is, however, another branch of the subject which is perhaps still more important, namely, what Government have done in those Colonies where their power of legislating is unfettered by assemblies of planters. We say *more* important, because on the fidelity with which Government may have redeemed their own solemn pledges, in cases where they have had free scope for action, must mainly rest our hopes of such a result as shall satisfy the wishes of the nation, and the claims of humanity and justice. We are enabled to form some judgment on this point by the promulgation of their latest edition of the code of Colonial Reform; we mean "The Ordinance for promoting the religious instruction,* and bettering the state and condition of the slave population in his Majesty's Colony of Berbice," promulgated on the 25th day of September; and, to have effect from the 1st of November, 1826.

We must confess that we have read some parts of this paper with feelings of deep regret. It would have been much more gratifying to us on every account to praise than to blame the acts of his Majesty's Ministers; but it would be unjustifiable, in a case so deeply affecting the happiness of hundreds of thousands of our fellow-subjects, were we, from feelings of delicacy towards any individuals, however respected, to shrink from a frank exposure of the truth.

We fully admit that the Ordinance which has been promulgated in Berbice, by the command of his Majesty, is a great improvement on the previous state of the law in that Colony, and thus far, therefore, we contemplate it with satisfaction and gratitude. We rejoice when any thing is done even to abate, though in a slight degree, the malignant evils of the Slave System, and still more when, as in the present instance, much is done. But it is impossible for us to view, without sorrow and alarm, the progressive deviations which this document exhibits from the principles originally propounded, and the pledges originally given, by his Majesty's Ministers; and the progressive concessions which it too plainly indicates to some of the worst prejudices, and the most unreasonable objections, of the Colonists.

It would seem as if certain individuals had discovered that Mr. Canning, in his speech of the 15th of May, 1823, and Lord Bathurst, in his dispatches of the 28th of May and the 9th of July of that year, (although that speech and those dispatches were unequivocally sanctioned by the West Indian body in Parliament,) had gone too far; and that it therefore had become necessary gradually and cautiously to recede from the ground they had hastily and imprudently occupied. Accordingly no sooner was the Trinidad Order in Council promulgated than it was found to fall short, of the pledges that had thus been

* It is remarkable, that the only part of this Ordinance which has a religious bearing, is that which legalizes marriage; while it also legalizes for a time the desecration of the Sunday by markets.

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given to Parliament and the country, in some most material respects; while some of the first provisions of that order have been further diluted and weakened by subsequent modifications. The discussions with the authorities of Demerara, though occasionally manifesting considerable firmness of purpose in the Colonial Department, at least as far as this was to be inferred from the language of their dispatches, have led to the concession, one by one, of some most important principles. And the final result of these previous omissions, modifications, and concessions, we have now embodied in the Ordinance for Berbice, which falls nearly as far below the Trinidad Order, as the Trinidad order fell below the pledges of Mr. Canning, and of the Colonial Department itself in May and July, 1823.

In Number 11, of the Anti-Slavery Reporter* is contained a brief exposition of the defects of the Trinidad Order as compared with the pledges previously given by his Majesty's Ministers. The code for Berbice contains the defects of the former and some in addition. But our present Number having already swelled to an inordinate size we must defer, till another opportunity, our intended examination of this last ordinance. In the meantime it is very important that the Friends of our cause, both in and out of Parliament, should be aware that there exist objections, and strong objections too, to various particulars contained in it.

Nor is this *our* opiuion only. It is the opinion also of the colonists. We have before us at this moment a passage contained in a Trinidad Newspaper, which has been transcribed with approbation, and even with exultation, into most of the other West Indian journals. We can give only a few brief extracts from it.

"The Berbice Royal Gazette contains," they say, "the official promulgation of the new slave code in that colony. In our next Number we shall give our readers an abstract of its contents, distinguishing the points in which it differs from the Trinidad order in council. At present, we shall merely state that several very important distinctions have been made, particularly under the head of compulsory manumission, respecting which the principles of Mr. Wilmot Horton's pamphlet have been adopted in their fullest extent." "Many of the most important suggestions of the Trinidad Committee, in the appeal which they made to Lord Bathurst, though ineffectual in procuring an alteration of their own code, have been adopted by His Majesty's Ministers in the Slave laws of Demerara and Berbice; a conclusive proof that they are convinced of their utility and necessity." Royal Gazette of Jamaica, of the 23d of December, 1826. p. 5.

* This Number is, in fact, a transcript of the pamphlet entitled, "The Progress of Colonial Reform," sold by Hatchard.

This, and all other publications of the Society, may be had at their office, 18, Aldermanbury; or at Messrs. Hatchard's, 187, Piccadilly, and Arch's, Cornhill, They may also be procured, through any bookseller, or at the depôts of the Anti-Slavery Society throughout the kingdom.

London: Bagster and Thoms, 14, Bartholomew Close.

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